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United Nations

Report of the Committee on the Elimination of Racial Discrimination

General Assembly
Official Records • Fifty-first Session
Supplement No. 18 (A/51/18)

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LETTER OF TRANSMITTAL

23 August 1996

Sir,

Readers will notice that this report is shorter. From 1972 to 1995 the Committee's reports included a summary of the dialogue between members of the Committee and the delegation which presented a State report. The report for 1992 was the first to conclude these summaries with a set of "concluding observations" that expressed the views of the Committee as a whole. Because these observations attract much attention, it became desirable to publish them at the end of the Committee's spring session as well as in the report adopted at the end of the summer session. So, starting in 1996, the concluding observations have been published as a separate series. Because the Committee's summary records are now published in their provisional form, it is no longer necessary to include summaries of dialogue in the annual report. Some of the other recent changes in procedure are described in a new section of this report (chap. IX) about the Committee's working methods.

The Committee's forty-eighth session was notable for the increased interest shown by non-governmental organizations in certain of the reporting States. They submitted commentaries on the implementation of the Convention which complemented the information available to members and helped improve the quality of the Committee's examination of those reports. At this session the Committee adopted two new general recommendations. These deal with article 5 of the Convention and with the question of self-determination. They are to be found in annex VIII to this report.

The forty-ninth session showed a further development in the Committee's working methods to keep pace with the increase in the number of reports requiring consideration. Less time was allocated for the introduction of periodic reports, for questions and comments from Committee members, and for oral responses from State delegations. In this way the Committee was able to find time for the new responsibilities it has assumed in connection with early warning and urgent action procedures. Thirteen periodic reports were scheduled for consideration. The implementation of the Convention in further 13 States whose periodic reports were overdue was scheduled under the review procedure. Consideration of certain scheduled reports was postponed at the request of the States. The prime feature of this situation is that the Committee has no backlog of unconsidered reports. By its review procedure it is progressively dealing with the problems resulting from the non-submission of reports and in this document in paragraph 608 the Committee advances proposals showing how it plans to deal with the cases where a State Party has failed to submit its initial report. At this session, the Committee adopted general recommendation XXII (49) on the rights of refugees and persons displaced on the basis of ethnic criteria, the text of which is reproduced in annex VIII.

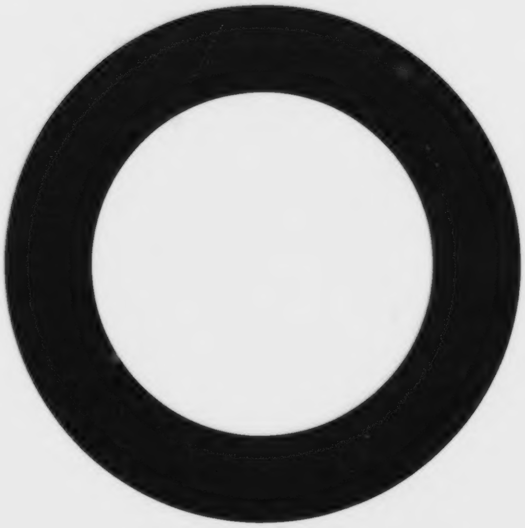
It should also be noted that the Committee has been considering the situation in nine States under its early warning and urgent action procedures, namely Bosnia and Herzegovina, Burundi, Cyprus, the Federal Republic of

His Excellency Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

Yugoslavia (Serbia and Montenegro), the former Yugoslav Republic of Macedonia, Israel, Liberia, Papua New Guinea and Rwanda. At its forty-eighth session, the Committee adopted decisions concerning Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro) and a declaration concerning Rwanda, and at its forty-ninth session, it adopted decisions concerning Bosnia and Herzegovina, Cyprus, Liberia and a resolution on Burundi.

Accept, Sir, the assurances of my highest consideration.

(Signed) Michael BANTON
Chairman
Committee on the Elimination
of Racial Discrimination



I. ORGANIZATIONAL AND RELATED MATTERS

A. States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 23 August 1996, the closing date of the forty-ninth session of the Committee on the Elimination of Racial Discrimination, there were 148 States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the forty-ninth session, 23 of the 148 States Parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State Party concerned of any of the rights set forth in the Convention. Lists of States Parties to the Convention and of those which have made the declaration under article 14 are contained in annex I to the present report, as is a list of States Parties that have accepted the amendments to the Convention adopted at the fourteenth meeting of States Parties (17), as at 23 August 1996.

B. Sessions and agenda

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1996. The forty-eighth (1128th-1155th meetings) and forty-ninth (1156th-1184th meetings) sessions were held at the United Nations Office at Geneva from 26 February to 15 March and from 5 to 23 August 1996, respectively.

4. The agendas of the forty-eighth and forty-ninth sessions, as adopted by the Committee, are reproduced in annex II.

C. Membership and attendance

5. In accordance with the provisions of article 8 of the Convention, the States Parties held their sixteenth meeting at United Nations Headquarters on 16 January 1996 1/ and elected nine members of the Committee from among the candidates nominated to replace those whose term of office was due to expire on 19 January 1996.

6. The list of members of the Committee for 1996-1998, including those elected or re-elected on 16 January 1996, is as follows:

Name of member	Country of nationality	Term expires on 19 January
Mr. Mamoud ABOUL-NASR	Egypt	1998
Mr. Hamzat AHMADU	Nigeria	1998
Mr. Michael Parker BANTON	United Kingdom of Great Britain and Northern Ireland	1998
Mr. Theodoor van BOVEN**	Netherlands	2000
Mr. Andrew CHIGOVERA	Zimbabwe	1998
Mr. Ion DIACONU**	Romania	2000
Mr. Eduardo FERRERO COSTA**	Peru	2000
Mr. Ivan GARVALOV**	Bulgaria	2000
Mr. Régis de GOUTTES	France	1998
Mr. Carlos LECHUGA HEVIA	Cuba	1998
Mr. Yuri A. RECHETOV**	Russian Federation	2000
Mrs. Shanti SADIQ ALI**	India	2000
Mr. Agha SHAHI	Pakistan	1998
Mr. Michael E. SHERIFIS	Cyprus	1998
Mr. Luis VALENCIA RODRIQUEZ**	Ecuador	2000
Mr. Rüdiger WOLFRUM	Germany	1998
Mr. Mario Jorge YUTZIS**	Argentina	2000
Ms. ZOU Deci*	China	2000

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* Elected on 16 January 1996.

** Re-elected on 16 January 1996.

7. All members of the Committee except Mr. Agha Shahi attended the forty-eighth session and all members attended the forty-ninth session. Mr. Diaconu attended only part of the forty-eighth session, and Messrs. Ferrero Costa and Aboul-Nasr attended only part of the forty-ninth session.

D. Solemn declaration

8. During early meetings of the forty-eighth session, those members of the Committee who were elected or re-elected at the sixteenth meeting of States

Parties made a solemn declaration in accordance with rule 14 of the rules of procedure of the Committee.

E. Election of officers

9. At its 1128th and 1136th meetings, on 26 February and 1 March 1996, the Committee elected the following officers for a term of two years (1996-1998), in accordance with article 10, paragraph 2, of the Convention:

Chairman: Mr. Michael Parker BANTON

Vice-Chairmen: Mr. Eduardo FERRERO COSTA
Mr. Ivan GARVALOV
Ms. Shanti SADIQ ALI

Rapporteur: Mr. Andrew R. CHIGOVERA

F. Cooperation with the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization

10. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), 2/ both organizations were invited to attend the sessions of the Committee.

11. Reports of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the International Labour Conference, were made available to the members of the Committee on the Elimination of Racial Discrimination, in accordance with arrangements for cooperation between the two Committees. The Committee took note with appreciation of the reports of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Populations Convention, 1957 (No. 107), as well as other information in the reports relevant to its activities.

G. Other matters

12. At the forty-eighth session, the Assistant Secretary-General for Human Rights attended the 1151st meeting, held on 12 March 1996, and discussed a number of issues with the Committee, particularly the role to be played by it in activities relating to the Third Decade to Combat Racism and Racial Discrimination, possible future developments with regard to the Committee's early-warning measures and urgent procedures, the effects of the financial crisis on the work of the Committee and the restructuring process of the Centre for Human Rights (see CERD/C/SR.1151).

13. The United Nations High Commissioner for Human Rights also addressed the Committee at its 1151st meeting and discussed, in particular, ways to increase the exchange of information and cooperation between the Office of the High Commissioner for Human Rights and the Committee, ways to ensure follow-up to the Committee's emergency action proposals and the best ways for the Committee to coordinate with other United Nations bodies concerned with racial discrimination (see CERD/C/SR.1151).

14. At its 1155th meeting on 14 March 1996, the Committee designated some of its members to provide liaison with regional and international organizations whose work is of interest to the Committee. The list of the organizations identified by the Committee in this regard and of the members providing liaison with them is as follows: African Commission on Human and Peoples' Rights (Mr. Chigovera), Commonwealth (Mr. Sherifis), Commonwealth of Independent States (Mr. Garvalov), Council of Baltic States (Mr. Rechetov), Council of Europe (Mr. de Gouttes), European Advisory Commission on Racism and Xenophobia (Mr. de Gouttes), European Parliament (Mr. de Gouttes), European Union (Mr. Sherifis), United Nations High Commissioner for Human Rights (Mr. de Gouttes), High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe (Mr. Wolfrum), Inter-American Commission on Human Rights (Mr. Yutzis), Inter-American Court of Human Rights (Mr. Yutzis), International Labour Organization (Mr. van Boven), United Nations High Commissioner for Refugees (Mr. Sherifis), Working Group of the Subcommission on Prevention of Discrimination and Protection of Minorities on Indigenous Populations (Mrs. Sadiq Ali) and Working Group of the Subcommission on Prevention of Discrimination and Protection of Minorities (Mr. van Boven).

15. At its 1143rd meeting, held on 6 March 1996, the Committee adopted a statement condemning terrorist acts in Israel. On that occasion, the Committee recalled its decision 3 (45), in which it expressed grave concern over terrorist acts victimizing certain racial, ethnic and national groups, and it joined the Secretary-General of the United Nations in calling on the international community to unite against all acts of terrorism. The text of the statement is reproduced in annex III.

16. At its 1154th meeting, held on 14 March 1996, the Committee adopted a statement addressed to the Second United Nations Conference on Human Settlements (Habitat II). The text of the statement is reproduced in annex IV.

17. At its 1147th meeting, held on 8 March 1996, the Committee adopted general recommendations XX (48) on article 5 of the Convention and XXI (48) on aspects of article 2 of the Convention. At its 1175th meeting, held on 16 August 1996 during the Committee's forty-ninth session, the Committee adopted general recommendation XXII (49) on the rights of refugees and persons displaced on the basis of ethnic criteria. The texts of the general recommendations are reproduced in annex VIII.

18. At its 1156th meeting, held on 5 August 1996, the Committee observed a minute of silence in memory of Mr. George Odartey Lamptey, former member of the Committee.

19. The United Nations High Commissioner for Human Rights, Mr. José Ayala-Lasso, addressed the Committee at its 1158th and 1181st meetings. The Committee discussed with the High Commissioner the consequences of the restructuring of the Centre for Human Rights on the servicing of the Committee and they resumed their discussion, began at the Committee's forty-eighth session, on ways to increase the exchange of information and cooperation between the Office of the High Commissioner and the Committee, particularly with regard to the Committee's early-warning measures and urgent procedures.

20. At its 1153rd (forty-eighth session), 1179th and 1183rd (forty-ninth session) meetings, the Committee discussed the issue of the participation of Committee members in the examination of the initial or periodic reports of the State of which they are nationals. The Committee decided to resume the consideration of this issue at its fiftieth session.

21. In connection with the elaboration and adoption of concluding observations of the Committee on some reports, individual members of the Committee made the following statements: Mrs. Sadiq Ali disassociated herself from the concluding observations on India because she felt them totally unbalanced and Mrs. Zou wished to disassociate herself from some of the concluding observations on the People's Republic of China, which she believed were based upon factually incorrect premises.

22. At its 1167th meeting, the Committee discussed and decided to adopt a new procedure to deal with seriously overdue initial reports. Since some initial reports were overdue by as much as 19 years, the Committee decided to notify States whose initial reports were overdue by 5 years or more that: (a) the Committee shall review the implementation of the Convention in the States Parties concerned at a future session and invites one or more representatives of these States Parties to participate in its consideration; and (b) in view of the absence of initial report, the Committee shall consider as an initial report all information submitted by the State Party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations.

H. Adoption of the report

23. At its 1184th meeting, held on 23 August 1996, the Committee adopted its annual report to the General Assembly.

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

24. The Committee decided at its forty-fifth session to establish this item as one of its regular and principal agenda items.

25. At its forty-second session (1993), the Committee noted the conclusion adopted by the fourth meeting of persons chairing the human rights treaty bodies that:

> "... the treaty bodies have an important role in seeking to prevent as well as to respond to human rights violations. It is thus appropriate for each treaty body to undertake an urgent examination of all possible measures that it might take, within its competence, both to prevent human rights violations from occurring and to monitor more closely emergency situations of all kinds arising within the jurisdiction of States Parties. Where procedural innovations are required for this purpose, they should be considered as soon as possible." (A/47/628, para. 44)

26. As a result of its discussion of that conclusion of the meeting of chairpersons, the Committee, at its 979th meeting, held on 17 March 1993, adopted a working paper to guide it in its future work concerning possible measures to prevent, as well as more effectively respond to, violations of the Convention. 3/ The Committee noted in its working paper that efforts to prevent serious violations of the International Convention on the Elimination of All Forms of Racial Discrimination would include the following:

(a) Early-warning measures: these would be aimed at addressing existing problems from escalating into conflicts and would also include confidence-building measures to identify and support structures to strengthen racial tolerance and solidify peace in order to prevent a relapse into conflict in situations where it has occurred. In that connection, criteria for early warning could include some of the following concerns: the lack of an adequate legislative basis for defining and criminalizing all forms of racial discrimination, as provided for in the Convention; inadequate implementation or enforcement mechanisms, including the lack of recourse procedures; the presence of a pattern of escalating racial hatred and violence, or racist propaganda or appeals to racial intolerance by persons, groups or organizations, notably by elected or other officials; a significant pattern of racial discrimination evidenced in social and economic indicators; and significant flows of refugees or displaced persons resulting from a pattern of racial discrimination or encroachment on the lands of minority communities;

(b) Urgent procedures: these would aim at responding to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention. Possible criteria for initiating an urgent procedure could include the presence of a serious, massive or persistent pattern of racial discrimination; or that the situation is serious and there is a risk of further racial discrimination.

27. At its 1028th and 1029th meetings, held on 10 March 1994, the Committee considered possible amendments to its rules of procedure which would take into account the working paper it had adopted in 1993 on the prevention of racial discrimination, including early warning and urgent procedures. During the discussions which followed, the view was expressed that it was too early to make changes in the rules of procedure in order to take account of procedures adopted

only very recently. There was a risk that the Committee might be locking itself into rules which would soon no longer fit needs. It would, therefore, be better for the Committee to have more experience of the procedures in question and to amend its rules at a later point on the basis of that experience. At its 1039th meeting, held on 17 March 1994, the Committee decided to postpone to a later session further consideration of proposals to amend its rules of procedure.

28. The following sections describe decisions adopted and further action taken by the Committee at its forty-eighth and forty-ninth sessions within the framework of its efforts to prevent racial discrimination. At earlier sessions the Committee had commenced consideration under this agenda item of Israel, Croatia, Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro), Papua New Guinea, Rwanda, Burundi, the Russian Federation, Mexico, Algeria and the former Yugoslav Republic of Macedonia.

29. At the forty-eighth session decisions were adopted concerning Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro) and Rwanda. At its 1129th meeting, held on 26 February 1996, the Committee decided to remove Algeria, Mexico and the Russian Federation from the list of countries reviewed under this agenda item, since they had submitted their periodic reports to the Committee. The Committee also decided, at its 1149th meeting, held on 11 March 1996, that Guatemala should remain on the list until the consideration of its report at the forty-ninth session. At the forty-eighth session, further consideration of Papua New Guinea, Israel, the former Yugoslav Republic of Macedonia, Burundi and Liberia was deferred to the forty-ninth session.

A. Decisions adopted by the Committee at its forty-eighth session

30. The following decisions were adopted by the Committee under this agenda item at its forty-eighth session.

Decision 1 (48) on Bosnia and Herzegovina

The Committee on the Elimination of Racial Discrimination recalls its expressions of serious concern at the situation in Bosnia and Herzegovina, a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination, and in particular its decision 2 (47) adopted on 17 August 1995, and will continue to review the situation in Bosnia and Herzegovina under its early warning and urgent procedures.

The Committee notes the General Framework Agreement for Peace in Bosnia and Herzegovina drawn up in Dayton and signed in Paris on 24 November 1995 and is anxious to contribute to the implementation of the peace agreement from the perspective of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination.

Accordingly, the Committee:

1. Entrusts its Chairman, in close communication with its officers, to consult, in close coordination with the United Nations High Commissioner for Human Rights and other United Nations bodies, notably the Special Rapporteur on the situation of human rights in the former Yugoslavia, as well as competent regional bodies, with a view to making recommendations for follow-up action by the Committee on the Elimination of Racial Discrimination.

2. Decides to institute a process of consultation with the State Party concerned on how the good offices of the Committee can be drawn upon in the future, in consultation with all interested parties, in order to promote understanding between races and ethnic groups and to build a society free from all forms of racial or ethnic segregation or discrimination.

3. Invites the State Party concerned to cooperate with the Committee in organizing, as soon as practically possible a meeting between a delegation of the Committee on the Elimination of Racial Discrimination and the newly established Commission on Human Rights for Bosnia and Herzegovina so as to place the Committee's experience at the disposal of the Commission.

1153rd meeting
13 March 1996

Decision 2 (48) on the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Committee on the Elimination of Racial Discrimination recalls its concluding observations relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) adopted on 20 August 1993 4/ and in particular its offer to render good offices in the form of a mission of some of its members with the purpose of helping to promote a dialogue for the peaceful solution of issues concerning respect for human rights in Kosovo, in particular the elimination of all forms of racial discrimination, and whenever possible of helping parties concerned to arrive at such a solution. 5/

The Committee also recalls that the State Party concerned responded positively to this offer, that the good offices mission was consequently carried out from 30 November to 3 December 1993 and that the mission met with authorities of the State Party and the Republic of Serbia, the Serbian authorities in Kosovo and representatives of the ethnic Albanians in Kosovo.

The Committee further recalls that at its forty-fourth session it considered, in private meetings, the interim report of the good offices mission and that as a result its Chairman addressed a letter to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro) expressing the Committee's appreciation to the Government for the cooperation received and proposing, *inter alia*, that a number of specific steps be taken with a view to normalizing the situation in Kosovo.

The Committee now considers that the time has come to resume the good offices work which the Committee started to undertake in 1993. For that purpose the Committee requests its Chairman to take up contact with the authorities of the State Party concerned in order to explore the possibilities of reopening the dialogue for the peaceful solution of issues concerning respect for human rights in Kosovo, with particular emphasis on the elimination of all forms of racial discrimination.

The Committee will further consider this matter at its forty-ninth session.

1153rd meeting
13 March 1996

Declaration on the situation of Rwanda

Recalling its Concluding Observations on Rwanda adopted at its 1039th meeting, on 17 March 1994, and its decision 7 (46) of 16 March 1995, the Committee on the Elimination of Racial Discrimination considers that the presence in Rwanda of the United Nations Assistance Mission for Rwanda (UNAMIR) is of capital importance to ensure the restoration of peace and security, and the normalization of public institutions, as well as to promote international cooperation in the quest for national conciliation and the restoration of the social fabric.

The existence of a considerable number of detained persons regardless of their ethnic origin, is also a matter of constant concern for the Committee. The persistence of certain organs of the mass media in Rwanda in inciting ethnic intolerance and distrust is a continuing obstacle to the efforts for peace. To bring this situation to an end, the Committee considers that the United Nations presence is essential.

The current efforts by the international community in Rwanda will not be sufficient to establish lasting peace, reduce the deep-seated causes of instability and secure a return to democracy and the rule of law, unless structural measures are taken to secure agreement on the form of government acceptable to all people of Rwanda, to guarantee personal security for everybody and to build a democratic society. The Committee recommends the convening of a constitutional conference for that purpose, involving all parties to the conflict. The Committee is ready to assist in the preparation of such a conference in cooperation with other human rights bodies, notably the High Commissioner for Human Rights.

The Committee regrets the withdrawal of UNAMIR from Rwanda and believes that the Secretary-General of the United Nations and other United Nations bodies should keep under constant review the situation in Rwanda.

1153rd meeting
13 March 1996

B. Decisions adopted by the Committee at its forty-ninth session

31. At its forty-ninth session, the Committee discussed under this agenda item the situation in Burundi, Rwanda, Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro), the former Yugoslav Republic of Macedonia, Cyprus, Israel, Liberia, and Papua New Guinea. The Committee adopted decisions with respect to Bosnia and Herzegovina, Cyprus and Liberia, and a resolution on Burundi. The action taken with respect to the other States Parties is described below.

32. With respect to Rwanda, the Committee reiterated its concerns expressed in the Declaration on the situation in Rwanda adopted at its forty-eighth session, and it also reiterated its regrets at the withdrawal of the UNAMIR from the country. The Committee renewed its offer to assist in the preparation of a constitutional conference, in cooperation with other human rights bodies. During the discussion, the Committee commended the action undertaken by the Human Rights Field Operation in Rwanda to assist the rehabilitation of a judicial system in the country, and appealed for funds from the United Nations and its Member States to finance the United Nations activities in Rwanda. It

decided to keep the situation in Rwanda on its agenda under its early-warning measures and urgent procedures.

33. With respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), the Committee decided to take no other formal action in addition to the decision taken at the forty-eighth session. Two members of the Committee reported on an informal meeting with representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) concerning the situation of the Albanian population in Kosovo. The Committee decided that it would like to continue the dialogue with the State Party and noted the success of its previous Good Offices Mission and its willingness to continue to work with the authorities. It was decided that this country would remain on the Committee's list of countries to be considered under the early-warning measures and urgent procedures at its next session.

34. After considering the situation in the former Yugoslav Republic of Macedonia, the Committee decided that it would welcome additional information from the State Party and keep this country on the Committee's list of countries to be considered at its next session.

35. With respect to Israel, the Committee recalled its statement concerning Israel adopted by the Committee at its forty-sixth session 6/ and noted that a letter had been received from the Government of Israel to the effect that it will make every effort to complete and submit its overdue periodic reports without delay. The Committee requested that this report be submitted in time for consideration at its fiftieth session and decided to remove Israel from the list of countries to be considered under its early-warning measures and urgent procedures.

36. With respect to the situation in Papua New Guinea, the Committee decided that since there was no further information that the conflict on the island of Bougainville was still in existence, it would remove it from the list of countries to be considered under its early-warning measures and urgent procedures.

Decision 1 (49) on Bosnia and Herzegovina

1. The Committee on the Elimination of Racial Discrimination recalls its earlier decisions relating to the situation in Bosnia and Herzegovina, a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination, in particular its Decisions 2 (47) and 1 (48).

2. The Committee emphasizes the importance of all measures aiming at the establishment of a peaceful, democratic, multi-ethnic and pluralist society in Bosnia and Herzegovina, the reconstruction of economy and the strengthening of democratic institutions, notably for the promotion and protection of human rights, which are essential conditions for the effective functioning of the civil society.

3. While fully conscious of the fact that free, fair and democratic elections are an important means to lay the foundation for representative government and to help ensuring the progressive achievement of democratic goals throughout Bosnia and Herzegovina, the Committee expresses its serious preoccupations and fear that as a result of the actual deficiencies in the process of voter registration, practices of intimidation, restrictions on the freedoms of association and expression, and abuses of the media, the holding of elections - important and advisable as they are - may under the present circumstances

reinforce patterns of ethnic segregation and ethnic division contrary to the thrust and the basic principles of the International Convention on the Elimination of All Forms of Racial Discrimination.

4. The Committee urges all parties to the General Framework Agreement for Peace in Bosnia and Herzegovina to comply with their obligation to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia in fulfilling its major task of bringing to justice all persons guilty of the serious crimes falling within its jurisdiction and in particular to execute forthwith all warrants of arrest and expedite the transfer of the persons indicted by the Tribunal.

5. The Committee urgently appeals to all authorities to guarantee, in conformity with Article 5, paragraph (b), of the Convention, to all persons under their jurisdiction, without distinction as to national or ethnic origin, the rights to security of person and protection against violence or bodily harm, and to take appropriate measures against individuals and institutions violating these rights.

6. The Committee reiterates its readiness to contribute to the implementation of the peace accords from the perspective of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination along the lines, indicated by the Committee in its Decision 1 (48).

7. In addition, the Committee is fully prepared to offer guidance and good offices on the implications of Article 4 of the Convention with a view to the prevention and prompt suppression of written or verbal incitement, through media or otherwise, of ethnic or racial hostility or hatred.

8. The Committee is also ready to contribute to any programme of technical cooperation that the Centre for Human Rights may set up in cooperation with other competent agencies for the purpose of implementing Article 7 of the Convention which requires immediate and effective measures in the fields of teaching, education, culture and information with a view to combating prejudices and promoting understanding, tolerance and friendship among nations and racial or ethnical groups.

9. The Committee is apprehensive that the peaceful conditions brought about by IFOR may not continue to obtain after the envisaged withdrawal of this force by the end of 1996, and invites the attention of the Security Council through the Secretary-General to deal with any such emergency that may arise by the establishment of a successor force to IFOR.

1182nd meeting
22 August 1996

Decision 2 (49) on Cyprus

The Committee on the Elimination of Racial Discrimination,

Reiterating its statement made at its forty-sixth session where it emphasized the international community's continued concern about the Cyprus problem and the violation of the human rights of individuals and persons by virtue of their belonging to ethnic groups and communities in Cyprus.

Further reiterating and reemphasizing its concerns expressed in its Decision 1(XXVII) of 21 March 1983 as well as in its earlier Decisions.

Reaffirming the importance of achieving progress in resolving the situation in Cyprus so that freedom of movement and other human rights and freedoms will be enjoyed by all Cypriots irrespective of their ethnic origin as envisaged in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination.

Deplores the violent clashes that took place in Cyprus during demonstrations on 11 and 14 August 1996.

Deeply regrets the killing of two unarmed Greek Cypriot young men and the injury of many other persons, including United Nations Peace Keepers, as a result of the Turkish Forces allowing Turkish armed Cypriot civilians and others to pass through the United Nations buffer zone where they clashed with the demonstrators.

Draws the attention to its General Recommendation adopted at its 49th session on refugees and displaced persons.

1183rd meeting
22 August 1996

Decision 3 (49) on Liberia

The Committee on the Elimination of Racial Discrimination,

While remaining seized of the case of Liberia under its Early Warning and Urgent Procedures,

Welcoming the latest efforts made by the ECOWAS leaders in Abuja, Nigeria to reconstitute the leadership of the Liberian Council of State under the Chairmanship of Senator Ruth Perry and the setting up of a time table for disarmament, demobilisation of militia and ultimately general elections,

Calls upon the United Nations and the International Community to support the efforts of the ECOWAS leaders, the latest Abuja Agreement on Liberia and to extend logistic and other assistance to the achievement of lasting peace in Liberia;

Urges the Liberian leaders of the Reconstituted Council of State to ensure reconciliation in order to reduce and ultimately remove tension between the different Liberian ethnic groups and now to ensure that human rights violations and extra judicial executions are ceased;

Offers its assistance, particularly on reconciliation between the ethnic groups;

Will remain seized with the case of Liberia in order to assess the implementation of the latest Abuja Agreement on Liberia as envisaged by the ECOWAS leaders on the 19th and 20th August 1996 and the reduction of tension between the Liberian ethnic groups.

1183rd meeting
22 August 1996

Resolution 1 (49) on Burundi

The Committee on the Elimination of Racial Discrimination,

Recalling that it has more than once called attention to the dangerous nature of the ethnic tension prevailing in Burundi,

Alarmed by recent developments in that country, in particular by the ongoing ethnically-motivated massacres,

Acting under its mandate of urgent procedures aimed at responding to problems requiring immediate attention to prevent serious violations of the International Convention on the Elimination of all Forms of Racial Discrimination,

Welcoming the initiatives undertaken so far at the global as well as at the regional level, in particular by the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees,

Recalling its offers of expertise and assistance for training in human rights for law enforcement officials, law reform and reconstruction of the State,

Urges the Burundian parties to respect the Burundian Constitution, to re-establish democratically elected institutions and the democratic political process, to cooperate closely with democratic institutions, further to design institutions for national dialogue and reconciliation and to respect human rights;

Calls upon all the Burundian parties to cease immediately any massacres and other acts of violence and to cooperate fully with all those who are seeking to bring to an end the vicious cycle of violence;

Urges that measures be adopted to enable the Burundian judicial authorities to conduct an efficient investigation of the massacres and other acts of violence, as crimes against humanity;

Calls upon the Security Council, through the Secretary-General, to reaffirm the determination of the international community to prosecute and punish perpetrators of crimes against humanity, be they officials or private persons, so that there is no impunity for them;

Calls upon all the Burundian parties to cooperate closely with the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights, as well as with the neighbouring countries, and to provide the refugees and displaced persons with the possibility of returning to their homes of their own free will and in safety;

Urges the international community to provide the necessary funds and logistical support for the repatriation of refugees and displaced persons;

Welcomes the initiative of former President Nyerere of the United Republic of Tanzania, the agreements of the Arusha Regional Summit on Burundi of 25 June 1996 (S/1996/557), now fully endorsed, by the Organization of African Unity, as well as the statements contained in the joint communique of the second Arusha Regional Summit of 31 July 1996;

Supports these regional initiatives and efforts aimed at achieving a comprehensive political dialogue between the parties in Burundi, urges the Burundian parties effectively to implement them and reminds all the Burundian parties of their responsibility for restoring peace, stability and justice in Burundi;

Endorses the proposal to dispatch a multinational peace force to Burundi to provide security assistance to prevent another catastrophe that could destabilize the Great Lakes Region of Central Africa and to facilitate a comprehensive political dialogue and reconciliation among the Burundian parties;

Recommends that such a force should receive the financial and logistic support of the United Nations.

1160th meeting
7 August 1996

III. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

37. At its forty-eighth and forty-ninth sessions, the Committee considered reports, comments and information from 32 States Parties under article 9 of the Convention. 7/ Country rapporteurs are listed in annex VII.

Colombia

38. The Committee considered the sixth and seventh periodic reports of Colombia (CERD/C/257/Add.1) at its 1135th and 1136th meetings (CERD/C/SR.1135-1136), held on 29 February and 1 March 1996, and adopted at its 1149th meeting, held on 11 March 1996, the following concluding observations.

A. Introduction

39. The Committee expresses appreciation for the opportunity to continue the dialogue with the State Party on the basis of its sixth and seventh periodic reports. It regrets, however, that the report did not provide concrete information on the implementation of the Convention in practice and therefore did not fully comply with the State Party's obligations under article 9 of the Convention. The Committee also noted that many concerns and recommendations expressed during previous dialogues between the State Party and the Committee remained unaddressed.

40. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

41. It is recognized that the climate of generalized violence linked to the guerilla war, the narco-trafficking and the existence of paramilitary armed groups impedes the full implementation of the Convention.

C. Positive aspects

42. The recent legislative and institutional measures adopted by the Government of Colombia to bring the national legislation into closer conformity with the Convention and to enhance the protection of the human rights of indigenous and Afro-Colombians are welcomed. In that connection, note is taken of the adoption in 1991 of the new Constitution and in 1993 of Law No. 70, and of the creation of the Directorate of Black Community Affairs within the Ministry of Home Affairs.

D. Principal subjects of concern

43. The lack of reliable statistical and qualitative data on the demographic composition of the Colombian population and on the enjoyment of political, economic, social and cultural rights by the indigenous and the Afro-Colombian

people makes it difficult to evaluate the results of different measures and policies.

44. It is also noted that the report did not provide information on indicators and other mechanisms aimed at evaluating the governmental policies for the protection of the rights of indigenous and Afro-Colombian communities, including the land use and ownership policies.

45. Particular concern is expressed at the lack of effective implementation of policies aiming at guaranteeing to indigenous and Afro-Colombian communities control of the quality of their environment and the exploitation of their territories.

46. Concern is expressed once again that the State Party has not implemented the provisions contained in article 4 of the Convention, which call for the enactment of specific penal legislation. It is stressed that the State Party's obligation under article 4 of the Convention is mandatory and should be fully implemented.

47. Particular concern is expressed over reports that the rights of indigenous persons have been violated by men in uniform.

48. Serious concern is expressed at the lack of implementation of article 5 of the Convention. It is noted that various corroborating sources of information indicate the persistence in Colombian society of structural discriminatory attitudes towards the indigenous and Afro-Colombian communities, appearing at various levels of the political, economic and social life of the country. Those discriminatory attitudes relate to, among other things, the right to life and security of persons, political participation, educational and occupational opportunities, access to basic public services, the right to health, the right to adequate housing, the application of the law, and land ownership and use.

49. With regard to implementation of article 6 of the Convention, the Committee expresses its concern that the information provided concerning cases of judicial remedy for acts of racial discrimination did not allow it to undertake a proper evaluation.

E. Suggestions and recommendations

50. The Committee requests the Government of Colombia to provide in its next report detailed and accurate information addressing the concerns expressed by the Committee.

51. The Committee recommends that efficient mechanisms be created immediately by the Government to coordinate and evaluate the various policies of protection of the rights of indigenous and Afro-Colombian communities, including their institutional aspects. Such mechanisms should promote full enjoyment of all human rights by the members of these communities and guarantee their life and security, as well as real and adequate participation by representatives of these communities in public life.

52. The Committee reaffirms that the provisions of article 4 are mandatory, as stated in its General Recommendation VII (32). The Committee stresses that Colombia should fulfil all its obligations under the mandatory provisions of the Convention. In doing so, the Government should also take into account General Recommendation XV (42) of the Committee.

53. The Committee expects the State Party to continue and to strengthen its efforts to improve the effectiveness of measures and programmes aimed at guaranteeing to all groups of the population the full enjoyment of their political, economic, social and cultural rights. The Committee also recommends that the State Party give the necessary attention to the migration processes, including by undertaking large-scale awareness-raising programmes oriented towards human rights and tolerance, in order to avoid social and racial prejudice and discrimination.

54. The Committee recommends that particular attention be paid to the problem of unlawful orders in the military, police and law enforcement agencies. Instances of unlawful orders being issued and carried out should be investigated and those found to have committed illegal actions should be punished. Impunity should be eliminated. These matters should also be covered in the training programmes of the agencies mentioned.

55. The Committee also recommends a stronger commitment on the part of the Government of Colombia to defending the basic rights of indigenous and Afro-Colombian communities as far as the use and ownership of their land is concerned.

56. The Committee further recommends that the next periodic report of Colombia contain detained information on cases of judicial remedy for acts of racial discrimination.

57. The Committee suggests that the State Party intensify its cooperation with the technical assistance programme of the United Nations Centre for Human Rights, including for the training of those involved in activities related to human rights and for the education of the younger generation.

58. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States Parties.

59. the Committee recommends that the State Party's next periodic report, due on 2 October 1996, be an updating report and that it address all the points raised in the present observations.

Denmark

60. The Committee considered the tenth, eleventh and twelfth periodic reports of Denmark (CERD/C/280/Add.1) at its 1137th and 1138th meetings on 1 and 4 March 1996 (see CERD/C/SR.1137-1138) and at its 1149th meeting, on 11 March 1996, adopted the following concluding observations.

A. Introduction

61. The Committee welcomes the detailed report submitted by the Government of Denmark, which contains relevant information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the frank dialogue with a competent delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

62. Noting the judgement of the European Court of Human Rights in the case of Jersile-v-Denmark (36/1993/431/510), the Committee affirms that the "due regard" clause of article 4 of the Convention requires due balancing of the right to protection from racial discrimination against the right to freedom of expression. The Committee recalls its General Recommendation XV on this point.

B. Factors and difficulties impeding the implementation of the Convention

63. The growth of racism and intolerance against foreigners, particularly asylum-seekers and migrant workers, is noted. The high level of unemployment makes it even more important to counter the influence of groups propagating ideas of racial superiority and attempting to justify practices of racial discrimination.

C. Positive aspects

64. The high standards of Denmark regarding the protection of human rights and its affirmed commitment to implementing the provisions of the Convention are noted with appreciation. Denmark is one of the few States Parties to have made the declaration under article 14 of the Convention and to have accepted the amendment to article 8, paragraph 6, of the Convention.

65. The recent steps to bring Danish law and practice into line with the Convention's requirements are welcomed. They include the amendment of section 266 (b) of the Penal Code to make a sentence of imprisonment mandatory when the offence amounts to propaganda. The establishment of the Board for Ethnic Equality is an important step forward. Inter-ministerial discussions hold out the prospect of an explicit and comprehensive policy for eliminating racial discrimination. The introduction of a bill on the prohibition of unequal treatment in the labour market is of outstanding importance. The growth in the number of non-governmental organizations and their activities is also notable.

66. Appreciation is expressed for efforts to improve the representation of ethnic minorities in the police force.

D. Principal subjects of concern

67. Although noteworthy steps have been taken in the period under review towards the elimination of racial discrimination in Denmark, the comments of the Board for Ethnic Equality and other reports suggest that some governmental institutions are insufficiently sensitive to the issue.

68. While the Committee understands the reasons which have led to the establishment of special reception classes for non-Danish speaking schoolchildren, it affirms that the "bussing" of schoolchildren should never be discriminatory in effect.

69. Similarly, the Committee is anxious that the attempts of municipalities to prevent undue concentrations of ethnic minority families in "socially-burdened" urban neighbourhoods should not be discriminatory in effect.

70. It is noted with concern that only three convictions have been registered in the past six years against members of neo-Nazi groups, although new

instructions have been issued to prosecutors. The recent granting of licences to such groups to operate a radio station and a telephone number to which people allegedly can call to hear a recorded message about why migrants and refugees should be deported is also noted with special concern.

71. It is noted with concern that officers of the Danish police have treated persons with a non-Danish background in an unacceptable manner, also that these persons with non-Danish backgrounds face difficulties in the enjoyment of their economic and social rights, particularly in respect of access to the labour market and equality in the exercise of their rights to housing and to health.

72. Concern is expressed over the delay in compensating members of the indigenous population in Greenland who were relocated to permit the establishment of an air force base in the early 1950s.

E. Suggestions and recommendations

73. The Committee recommends that in its next periodic report the Government of Denmark supply comprehensive information about the implementation in practice and the impact of proposed dispersal policies by the Byudvalget (Municipalities Committee) so that the Committee can assure itself that they conform with the requirements of the Convention.

74. The Committee recommends the reinforcement of measures for the full implementation of article 4 of the Convention and calls attention to its General Recommendation XV. If the allegations in paragraph 70 above are correct, then the licences should be withdrawn and prosecutions initiated to comply with article 4 of the Convention.

75. The Committee recommends further action to protect the right of everyone to enjoy, without discrimination, the civil and political rights listed in article 5 of the Convention, notably the rights to equal treatment within the criminal justice system and to security of person.

76. The Committee recommends that equal attention be paid to the economic, social and cultural rights listed in article 5, notably the rights to work, housing, health, education, training and access to services for the general public, including hotels, restaurants, cafés and places of entertainment such as discotheques.

77. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public campaigns intended to prevent any spread of racial interpretations of social and political problems.

78. The Committee suggests that further action be taken to ensure that the provisions of the Convention are more widely disseminated, particularly among minority groups, government officials, employers and trade unions. The public should be better informed about the remedy available under article 14 of the Convention.

79. The Committee wishes to receive information on the implementation of the Convention in Greenland, particularly in relation to the rights of indigenous people and their compensation for relocation.

80. The Committee recommends that the State Party's next periodic report, due on 8 January 1997, be updated in character and that it address all the points raised in these concluding observations.

Zimbabwe

81. The Committee considered the initial report of Zimbabwe (CERD/C/217/Add.1) at its 1131st and 1132nd meetings (CERD/C/SR.1131-1132), held on 27 and 28 February 1996, and at its 1149th meeting, held on 11 March 1996, adopted the following concluding observations.

A. Introduction

82. The Committee commends the State Party on the quality of its initial report, prepared in accordance with the Committee's guidelines for the preparation of State Party reports. The Committee notes with appreciation the high-level representation sent to discuss the report, which serves as an indication of the importance attached by the Government of Zimbabwe to its obligations under the Convention, and for the open, comprehensive and constructive approach which characterized the dialogue with the delegation. The Committee also expresses its appreciation to the State Party's delegation for the additional information that it provided to the Committee orally and in writing. The Committee also notes with satisfaction the submission by Zimbabwe of the core document (HRI/CORE/1/Add.55).

83. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of making such declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

84. It is noted that Zimbabwe was ruled prior to 1980 by a non-recognized and non-democratic Government. Under that regime, racist laws and policies were adopted and implemented by the authorities for the benefit of the ethnic white minority. Most of the population lived for a long period under a regime of racial segregation and discrimination. During the same period, Rhodesia (now Zimbabwe) faced economic and diplomatic sanctions, imposed by the international community. The State Party's full compliance with the principles and provisions of the Convention has therefore to be seen as a process of progressive implementation.

C. Positive aspects

85. The record of the Governments in power since the independence of Zimbabwe (18 April 1980) in progressively building up democracy, justice, security, tolerance and stability in the country is noted with great appreciation. In the same spirit, it is observed that the Government's policy of national conciliation has been in great part successful.

86. The fact that, through its policies and in the framework of its Constitution, the Government is actively fighting intolerance and any form of racial discrimination is also welcomed.

87. Satisfaction is expressed concerning the land resettlement programmes undertaken by the authorities, inter alia, to provide land to the landless and displaced persons and to support and promote emergent black large-scale commercial farming and a more balanced racial composition of the large-scale commercial sector.

88. The establishment in 1994 of the Inter-Ministerial Committee on Human Rights and Humanitarian Law is welcomed. Note is taken that this Committee will be responsible for both the dissemination of the State Party report and the Committee's concluding observations, as well as the follow-up to the Committee's recommendations.

89. The establishment of the Office of Ombudsman in 1982 was a positive move. The recent proposal that the Parliament should broaden the mandate of the Ombudsman by giving him the authority to investigate alleged human rights violations by members of the army, the police and other law enforcement agencies is welcomed.

D. Principal subjects of concern

90. Concern is expressed at the absence of specific legislation to prevent and combat all forms of racial discrimination, in compliance with article 4 of the Convention.

91. Concern is expressed that parallel systems of private schools for pupils whose parents who can afford them and public schools for others results in a racially segregated school system.

92. It is a matter of concern that not all the minority languages are used in the existing education programmes.

93. The persisting existence of a dual legal system regulating, inter alia, the areas of marriage and inheritance is a serious concern. This situation, in some cases, can lead to unequal treatment between Blacks and Whites. For example, the descendants of Blacks who die intestate inherit according to customary law while Whites inherit according to general law.

94. Concern is expressed about the lack of information on the educational attainments of ethnic groups at the primary, secondary and university levels. More information is also needed on land distribution by ethnicity, and the registration of complaints and court cases related to racial discrimination.

95. With regard to article 7 of the Convention, the Committee is concerned about the absence of educational programmes for the prevention of racial discrimination.

E. Suggestions and recommendations

96. The Committee emphasizes that the State Party must comply with its obligations under article 4 of the Convention and recommends strongly that it adopt appropriate legislation in order to give effect to the provisions of that article.

97. The Committee recommends that steps be taken, by the Government and by the schools themselves, to reduce the deleterious consequences of the racial segregation created by the parallel systems of public and private schools.

98. With regard to the protection and promotion of the rights of ethnic minorities, the Committee encourages the State Party to take all necessary measures to provide mother-tongue teaching in the areas where minorities live in substantial numbers.

99. The Committee recommends that the dual legal system regulating marriage and inheritance be revised in an appropriate manner, and if necessary unified, to avoid potential areas of unequal treatment between the races.

100. The Committee suggests that the State Party consider incorporating teaching about human rights in the school curricula, with a view to promoting the prevention of racial discrimination.

101. More quantitative information is requested in the next report concerning the programmes of land distribution and on the number of complaints and court cases relating to racial discrimination that have been registered recently by the State Party.

102. The Committee also recommends that the next periodic report contain complete information on complaints concerning sentences imposed for racial or ethnic discrimination.

103. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th meeting of States Parties.

104. The Committee suggests that the State Party ensure, through its Inter-Ministerial Committee on Human Rights and Humanitarian Law, the dissemination of the initial report, the summary records of the discussion and the concluding observations adopted thereon.

105. The Committee recommends that the State Party's next periodic report be comprehensive in character and that it address all the points raised in these concluding observations.

Hungary

106. The Committee considered the eleventh, twelfth and thirteenth period reports of Hungary (CERD/C/263/Add.6) at its 1143rd and 1144th meetings (see CERD/C/SR.1143-1144), held on 6 and 7 March 1996 and, at its 1150th meeting, held on 12 March 1996, adopted the following concluding observations.

A. Introduction

107. The Committee thanks the State Party for the submission of its periodic report and welcomes the resumed dialogue with the Government of Hungary. The Committee appreciates the frankness and the comprehensiveness of the report, which contains detailed information on the implementation of the Convention. It regrets, however, that the report was overdue.

B. Factors and difficulties impeding the implementation of the Convention

108. It is recognized that the active policy of tolerance and openness towards minorities is still relatively new and is to be implemented in a context of profound political, social and economic change. It is further recognized that some social attitudes still prevalent and partly tolerated in the country are not conducive to the full implementation of the Convention.

C. Positive aspects

109. The fact that Hungary has made the declaration under article 14 of the Convention and has withdrawn its reservation previously made in relation to article 22 of the Convention is welcomed.

110. The many recent developments in Hungary that represent substantial steps in the transition towards democracy and pluralism are welcomed. The provisions of the new Constitution, the firm legal basis it provides for a democratic order, the thorough legal reform and the establishment of democratic institutions, some of which are particularly progressive, are noted with much appreciation.

111. The State Party is commended for its new policy regarding minorities, based on the principles of preservation of their self-identity, special preference treatment and cultural autonomy.

112. The large and conscientiously prepared consultation to reach a political consensus on the question of minorities, which led to the adoption on 7 July 1993 of the Act on the Rights of National and Ethnic Minorities, is welcomed. The Act permits a review of the former process for assimilating national and ethnic minorities so that they may regain their linguistic and cultural identity.

113. The creation in 1990 of the Office for National and Ethnic Minorities as an independent administrative body and of the post of Ombudsman (Parliamentary Commissioner) for National and Ethnic Minority Rights, effective since mid-1995, is also welcomed.

114. The signing of agreements with neighbouring countries in connection with minority rights issues, in line with paragraph 7 of the Preamble to the Convention, is another subject of satisfaction.

115. The development of activities carried out in relation to article 7 of the Convention, including the wide diffusion of the text of the Convention and the encouragement of public debate on its contents, is also noted with satisfaction.

D. Principal subjects of concern

116. Grave concern is expressed at the persistence of expressions of racial hatred and acts of violence, particularly those by neo-Nazi skinheads and others, towards persons belonging to minorities, especially Gypsies, Jews and people of African or Asian origin. Alarm is expressed that the Government has not been sufficiently active in effectively countering incidents of racial violence against members of minority groups. In this regard, concern is expressed at information from various credible sources indicating that the

number of charges and convictions, including against neo-Nazi skinheads and others, is low relative to the number of abuses reported.

117. Alarm is also expressed at apparent harassment and use of excessive force by the police against Gypsies and foreigners.

118. Concern is expressed that so far the State Party has not fully implemented the provisions contained in article 4 (a) and (b) of the Convention, as partly recognized in the report, and attention is drawn to the Committee's General Recommendation XV.

119. The persistent marginalization of the large Gypsy population, in spite of continuing efforts by the Government, is a matter of serious concern. It is noted that the de facto discrimination Gypsies face in the enjoyment of their economic, social and cultural rights increases their vulnerability in a context of economic crisis. Concern is expressed that three quarters of Gypsies are unemployed, with almost no prospect of entering the labour market.

120. Concern is expressed that, according to the Act of 1993, for an ethnic group to be recognized as a minority, it must have lived on Hungarian soil for at least a century; this seems to be very restrictive.

121. The absence of demographic data on the minorities in different districts of the country makes any evaluation of activities intended for their benefit difficult. Equally, the lack of data on the representation of minorities in the local authorities and the lack of recent data on the situation of minorities in the fields of education, culture, the media and employment is regretted.

122. Concern is also expressed about the lack of clarity concerning the status of the Convention in Hungarian law.

E. Suggestions and recommendations

123. The Committee urges the Government of Hungary to take more active steps to prevent and counter attitudes and acts of racial violence against individuals. It recommends extreme vigilance towards the neo-Nazi skinheads and others and a stronger commitment to ensuring that there is no element of racism in law enforcement.

124. The Committee also expects the State Party to clarify the relationship between the Convention and the Hungarian Constitution and laws.

125. The Committee recommends that the State Party comply fully with its obligations under article 4 of the Convention and take all necessary steps to amend the Penal Code in that respect. Due account should be taken of the Committee's General Recommendation XV.

126. The Committee recommends increased attention to the protection of the Gypsies' civil, political, economic, social and cultural rights. The efforts to implement measures of affirmative action in that respect should be strengthened. Adequate indicators and other means of monitoring the economic and social conditions of this group should be developed. The Committee requests the State Party to provide detained information on such measures in its next report.

127. The Committee recommends that the State Party provide, in its next report, statistical data on the minorities in different districts, on their

representation in the local authorities, as well as recent data on their situation in the fields of education, culture, the media and employment.

128. The Committee recommends that the next report contain detailed information regarding allegations and prosecutions in the case of acts of racial discrimination.

129. The Committee suggests that the Government continue its action taken to publicize the provisions of the Convention. The public should also be better informed of the remedy available under article 14 of the Convention. In addition, the State Party should ensure the wide dissemination of its report and of the concluding observations of the Committee.

130. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th meeting of States Parties.

131. The Committee recommends that the State Party's next periodic report be an updating report and address all the concerns expressed by the Committee.

Russian Federation

132. The Committee considered the twelfth and thirteenth periodic reports of the Russian Federation (CERD/C/263/Add.9) at its 1133rd and 1134th meetings (see CERD/C/SR.1133-1134), held on 28 and 29 February 1996, and at its 1150th meeting, held on 12 March 1996, adopted the following concluding observations.

A. Introduction

133. The Committee notes with appreciation the State Party's willingness to continue the dialogue with the Committee by sending a high-level delegation to present the reports, which indicates the importance attached by the Government of the Russian Federation to its obligations under the Convention. However, the Committee regrets that the reports were not submitted on time, that they did not fully comply with the reporting guidelines, did not contain adequate information on the implementation of the Convention in the Republics and that, in particular, the information on Chechnya requested at the forty-sixth session of the Committee was not included, but only supplied orally by the delegation.

B. Positive aspects

134. The establishment in 1993 of a special commission on human rights is welcomed. It is also noted with satisfaction that a parliamentary group has been mandated to investigate human rights and international humanitarian law violations in the Chechen conflict. In addition, the recent establishment of a special authority to implement a State programme on social and economic life in the Northern Territories is appreciated.

135. The entry of the Russian Federation into the Council of Europe, which became official in February 1996, is noted. It is hoped that the Russian Federation will soon ratify the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms and will accept its procedure for receiving individual petitions. The recent drafting of two

regional human rights conventions, including one on the rights of minorities, in the framework of the Commonwealth of Independent States is also a positive initiative.

C. Factors and difficulties impeding the implementation of the Convention

136. The difficulties facing the Russian Federation in the present period of transition and in a climate of social change and deep economic crisis are taken into account. It is also noted that the Russian Federation is a large multi-ethnic and multicultural society. The factual situation of minorities has also to be taken into account; some of them possess their own statehood and are represented by entities of the Federation whereas others are dispersed all over the country. In respect of members of the latter groups the full implementation of the Convention may require particular efforts. Finally, it is understood that the establishment and practical application of a new democratic and non-discriminatory political, economic and social framework is a difficult and lengthy process.

D. Principal subjects of concern

137. Concern is raised about the current shortcomings in the general national legal framework for protecting all persons against discriminatory practices. Article 19 of the Constitution of the Russian Federation, which provides for equality of rights regardless of "race, nationality, language, origin or other circumstances", is not broad enough to be regarded as a full implementation of the prohibition of racial discrimination required by the Convention. It is further noted with concern that the legislation necessary for the implementation of article 19 of the Constitution and other constitutional provisions designed to protect the rights of minorities have not yet been fully adopted or effectively implemented.

138. Several minority and indigenous groups have no access to education in their own language. When they deal with administrative and judicial matters, they are frequently precluded from using their own language.

139. The absence of effective measures for the protection and preservation of the traditional ways of life and the right to land use of the people of the Northern Territories is also a cause for concern, although the need for improvement of their economic, social and cultural situation has been recognized.

140. The concrete implementation of the principles and provisions of the Convention remains weak, especially at the regional and local levels. In particular, concern is raised regarding the implementation of articles 2 and 4 of the Convention.

141. The report contains very limited information on the right to security of person (art. 5 (b) of the Convention), the right to freedom of movement (art. 5 (d) (i)) and non-discrimination with regard to the enjoyment of economic, social and cultural rights, referred to in article 5 (e) of the Convention.

142. The increase in racist positions associated with nationalist movements such as the National Republican Party is of grave concern. Equally, the increase in

racist attitudes among the population or of local authorities directed against Caucasians, especially Chechens, also gives cause for concern, as do indications of anti-Semitism among part of the population.

143. The use of excessive and disproportionate force in suppressing the attempted secession in Chechnya, resulting in unnecessary civilian casualties, is a matter of very grave concern. The reports of arbitrary arrests, ill-treatment of detainees, excessive destruction of civilian property and pillage in Chechnya also give rise to concern.

144. In particular the reports concerning the situation in the so-called filtration camps give rise to grave concern. It is to be deplored that representatives of humanitarian organizations, such as the International Committee of the Red Cross, have not been permitted to visit such camps.

145. The situation in Ingushetia and North Ossetia is a further matter of deep concern. Large numbers of Ingush exiles are being denied by the North Ossetian authorities the right to return freely to their regions of origin, in particular the Prigoradnyi district, in spite of the Law on Rehabilitation of Repressed Peoples. The Ingush population has also suffered directly and indirectly from the Chechen conflict.

E. Suggestions and recommendations

146. The Committee strongly recommends that the National Parliament urgently complete and adopt all announced acts and laws concerning human rights, especially the draft law on national and cultural autonomy. The laws on the use of minority languages should be completed at the various legislative levels and fully implemented. The Committee also suggests that the State Party consider ratifying ILO Convention No. 169.

147. The State Party should take all appropriate measures to ensure the promotion of minority and indigenous people's languages. The Committee recommends that education programmes be provided in the appropriate languages.

148. The Committee recommends that special attention be paid to the minority and indigenous groups living in the Northern Territories by taking appropriate and effective measures to promote and protect their rights, especially the rights to use and exploit the land where they are living and to live in their own cultural environment.

149. The Committee recommends that, where appropriate, the State Party take special and concrete measures to ensure the adequate development and protection of less developed groups within the Federation, in accordance with article 2, paragraph 2, of the Convention.

150. The Committee strongly recommends that the Government take concrete and appropriate measures to outlaw and combat all organizations and political groups and their respective activities that promote racist ideas or objectives, as referred to in article 4 of the Convention.

151. The Committee also strongly recommends that the State Party carry out the decision of the Constitutional Court to abolish the permit system effectively.

152. The Committee recommends that the State Party enhance effectively protection against any acts of racial discrimination through the competent

national courts, in accordance with article 6 of the Convention, by *strengthening the court system*, the independence of the judiciary and the confidence of the population therein. The Committee further recommends the training of judges, lawyers and magistrates in human rights. This type of training should also be provided to law enforcement personnel and the military, in line with General Recommendation XIII of the Committee.

153. The Committee strongly recommends that the State Party urgently take all measures to restore peace in Chechnya and to ensure full protection of human rights in the region. It further strongly recommends that the Government take all steps to ensure the full respect of fundamental human rights in the region, without discrimination. The Committee reaffirms that persons responsible for massive, gross and systematic human rights violations and gross violations of international humanitarian law should be held responsible and prosecuted.

154. The Committee recommends that the State Party guarantee the rights of all victims, especially refugees, of the conflict in Ingushetia and North Ossetia and provide in its next report information on the human rights situation in Chechnya, Ingushetia and North Ossetia.

155. The Committee invites the State Party to provide, in its next report, further information on the breakdown by percentage of all ethnic groups of the population.

156. More information is also requested in the next report on the number of complaints and court cases related to racial discrimination that have been registered recently by the State Party, on the respective decisions and judgements taken, and on the implementation of article 7 of the Convention.

157. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States Parties.

158. The Committee suggests that the State Party ensure the dissemination of its periodic report and of the concluding observations adopted by the Committee. The accepted procedure of individual communications under article 14 of the Convention should be made widely known in the country.

159. The Committee recommends that the State Party's next periodic report, due on 5 March 1996, be a comprehensive one and that the State Party address all the concerns expressed in these observations.

Madagascar

160. The Committee examined the implementation of the Convention by the Government of Madagascar at its 1150th meeting, held on 11 March 1996 (see CERD/C/SR.1150), based on the previous periodic report of the State Party (CERD/C/149/Add.19) and the summary record of the consideration thereof by the Committee (CERD/C/SR.835), and at its 1154th meeting, held on 14 March 1996, adopted the following concluding observations.

A. Introduction

161. The Committee notes that no new report has been received since 1989 and that no reply has been given by the Government to the Committee's list of

principal concerns, addressed to it in August 1995, with regard to the implementation of the Convention in Madagascar. The Committee had also recommended, during its forty-seventh session, that the Government request technical assistance from the Centre for Human Rights, which it has not done.

B. Factors and difficulties impeding the implementation of the Convention and principal subjects of concern

162. Grave concern is expressed at the continuing deterioration of the social, cultural and economic conditions prevailing in the State Party. The general impoverishment of the country, the dysfunctioning of social services and social security and the existence of tensions between various groups of the population, which all lead to phenomena of racial or ethnic discrimination, are a matter of anxiety for the Committee.

C. Suggestions and recommendations

163. The Committee requests the Government of Madagascar to submit without delay a comprehensive report in compliance with the Committee's guidelines for the preparation of State Party reports.

164. The general part of the updated report should contain information relating to the composition of the State Party's population and to its ethnic characteristics, as well as to the recent evolution of the political, social and economic situation prevailing in the country. Issues such as the inter-ethnic tensions, discrimination against the Indo-Pakistani community, the increasing impoverishment of the rural population, the acute lack of social services and health services, and the alarming situation of education, which intensify discrimination between ethnic groups within the population, and the social impact of structural adjustment programmes implemented under the auspices of the International Monetary Fund should be addressed.

165. The second part of the report should contain detailed information on the implementation of articles 2 to 7 of the Convention. This part should describe the existing penal legislation implementing article 4 of the Convention, as well as the available remedies against any acts of racial discrimination, implementing article 6 of the Convention, and provide examples of complaints and statistics about such remedies. The role and achievements of the Mediator, as far as protection against racial discrimination is concerned, should also be spelled out. The report should further indicate what measures have been taken by the Government to alleviate the effects of the economic crisis on the most disadvantaged groups of the population. Existing measures adopted in the field of education and awareness-raising to counter racial or ethnic discrimination, to promote tolerance and to make the principles of the Convention better known should also be described.

166. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the fourteenth meeting of States Parties.

Finland

167. The Committee considered the eleventh and twelfth periodic reports of Finland (CERD/C/240/Add.2) at its 1141st and 1142nd meetings (see

CERD/C/SR.1141-1142), held on 5 and 6 March 1996, and at its 1154th meeting, held on 14 March 1996, adopted the following concluding observations.

A. Introduction

168. The Committee notes with appreciation the State Party's readiness to continue a dialogue with the Committee. It regrets that the eleventh and twelfth reports were not submitted on time. The Committee also expresses its appreciation to the State Party's delegation for the additional information that it provided during its oral presentation.

B. Factors and difficulties impeding the implementation of the Convention

169. Since the mid-1980s, Finland has been facing important demographic changes. It is noted that the number of foreigners has more than tripled over the past few years. It is also noted that Finland is facing difficulties in the current period of structural change and economic recession. As observed by the Government, implementation of the Convention may also be made more difficult in some areas by decentralization policies, severe unemployment and budgetary cuts.

C. Positive aspects

170. It is noted that the Government of Finland has taken, especially since the beginning of the 1990s, several positive measures to combat various forms of racial discrimination. The establishment of the Advisory Board for Refugee and Migrant Affairs, the ratification of the European Charter for Regional Minority Languages (1994) and the creation of a working group to draw up a programme of action against racism and discrimination (1996) are just a few of the proactive steps that Finland has taken.

171. Recent legal reforms of the Constitutional framework and Penal Code, on matters related directly to racial discrimination, are welcomed.

172. The Government's initiative in establishing a dialogue with the non-governmental sector is appreciated. It is noted that this dialogue resulted in the cooperative drafting of the eleventh and twelfth periodic reports of Finland. The efforts undertaken by the Government to promote public debate on questions and problems relating to racial discrimination are welcome initiatives.

173. It is noted with satisfaction that the State Party has made a declaration under article 14, paragraph 1, of the Convention, recognizing the competence of the Committee to receive communications from individuals. The fact that Finland has ratified the amendments to article 8, paragraph 6, of the Convention is welcomed.

D. Principal subjects of concern

174. Concern is expressed that article 4 of the Convention has not yet been fully implemented.

175. The recent, significant increase in racially motivated acts and violence is a matter of deep concern. The persistence of publications, organizations and political parties which promote racist and xenophobic ideas is a further serious worry. It is regretted that there is no law which prohibits or punishes racist organizations for activities which promote and incite racial discrimination. Proposed reforms of the Constitution and of the Penal Code seem not to comply fully with the spirit and provisions of articles 2 and 4 of the Convention.

176. It is noted that victims of racial discrimination must overcome significant obstacles in order to obtain adequate judicial remedies.

177. As regards the land rights of the Sami people, concern is expressed over the mining and other economic interests of national and international companies which may be threatening the way of life of Samis.

178. Concern is also expressed over the Sami people's participation in the Sami parliament in their mother tongue.

179. The difficulties which the Romany minority continues to experience in exercising its rights is a matter of concern. The high rate at which Romany children drop out from school is also cause for concern.

180. It is noted with concern that educational programmes contain insufficient information on human rights issues, especially on minority rights issues.

181. There is no wide distribution of the text of the Convention in Finland. This practice differs from the Government's policy of distributing the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in the Finnish language.

182. The current refugee policies do not fully take into account all of the provisions of the Convention. In some cases, decisions to repatriate asylum-seekers have been taken without proper respect for international human rights standards and the norms of refugee law. Concern is likewise expressed over the criteria employed in granting residence permits to foreigners.

183. Also a matter of concern is the discrimination against ethnic minorities and foreigners which occurs within the labour market.

184. Concern is expressed about the training of law enforcement officials in the protection of human rights in the light of the Committee's General Recommendation XIII.

185. Another matter of concern is the denial of access to public places for some persons, on the basis of ethnic or national origins.

E. Suggestions and recommendations

186. In order to combat racist and xenophobic attitudes and violence, the Committee recommends that the State Party take all appropriate measures to implement fully articles 2 and 4 of the Convention. It also recommends that Finland adopt legislation which clearly prohibits and punishes acts of racial discrimination and organizations that promote and incite such racial discrimination.

187. The Committee recommends that the constitutional and penal reforms in Finland, to the extent to which they concern racial discrimination, more fully reflect the provisions of the Convention.

188. The Committee also recommends that the Government ensure thorough investigation of cases involving alleged mistreatment of persons belonging to ethnic minorities and foreign persons by the police. Detailed information on complaints and sentences regarding acts of racial or ethnic discrimination would be useful.

189. The Committee suggests that the Government draft and implement a clear policy on Sami land rights in order better to protect and preserve the way of life of this minority group. The Committee also recommends that the Government ratify ILO Convention No. 169.

190. The Committee recommends that the State Party do all in its power to enable Sami children to pursue their studies at the primary and secondary levels in their mother tongue.

191. The Committee also suggests that special measures be taken on behalf of the Romany people to ensure their full and equal enjoyment of human rights, especially in the field of education.

192. In order to fight discrimination more efficiently, the Committee recommends that special attention be paid in schools to human rights issues and especially to minority issues.

193. The Committee strongly recommends that the Government take the Convention fully into account when considering policies and/or decisions on asylum-seekers and refugees.

194. The Committee recommends that appropriate action be taken to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

195. The Committee further suggests that the State Party ensure the wide dissemination of the text of the Convention, as well as of the report, the summary records and the concluding observations adopted thereon. The accepted individual communications procedure under article 14 of the Convention should be widely publicized throughout Finland for the benefit of the general public.

196. The Committee recommends that the State Party's next periodic report, due in August 1995, be an updating report, and that it address the matters raised in these concluding observations.

Spain

197. The Committee considered the thirteenth periodic report of Spain (CERD/C/263/Add.5) at its 1145th and 1146th meetings, on 7 and 8 March 1996 (see CERD/C/SR.1145-1146) and, at its 1154th meeting, on 14 March 1996, adopted the following concluding observations.

A. Introduction

198. The Committee welcomes the opportunity to continue its dialogue with the Government of Spain. It expresses its appreciation for the prompt submission of the thirteenth periodic report, less than one year after the consideration of the previous report by the Committee, which demonstrates the commitment of the Government to the elimination of racial discrimination and to the fulfilment of its obligations under the Convention. The Committee notes with satisfaction that, though the report does not follow the guidelines for the preparation of periodic reports, it answers the questions raised during the consideration of the twelfth periodic report that were not responded to at that time. The Committee also expresses its appreciation for the additional information provided orally by the delegation.

B. Factors and difficulties impeding the implementation of the Convention

199. It is noted that the increase in acts of racial discrimination against foreigners, asylum-seekers and members of the Gypsy community constitutes an impediment to the full implementation of the Convention in Spain. At the same time, the lack of official socio-economic data on the Gypsy population may impair the effectiveness of the policies to improve their situation.

C. Positive aspects

200. The commitment expressed by the delegation on behalf of the Government to make the declaration under article 14 of the Convention, to withdraw the reservation to article 22 of the Convention and to consider the ratification of the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States Parties is welcomed.

201. It is noted with satisfaction that measures have recently been adopted by the Spanish authorities to intensify the fight against racial discrimination and xenophobia and to bring Spanish law more into line with the requirements of the Convention. For example, Organic Laws 4/95 and 10/95 introduce into the Criminal Code the crime of genocide, and define a racist or anti-Semitic motivation for the commission of a crime as an aggravating circumstance.

202. The provisions of the new Law on the Regulation of the Right to Asylum 9/1994 and of Royal Decree 203/1995, providing, inter alia, that an asylum-seeker whose request for asylum has been refused may still be given a residence permit in Spain for humanitarian reasons, and that asylum-seekers are granted health care and the assistance of a legal counsellor and of an interpreter to help them during the procedure, are also welcomed.

203. The Gypsy Development Programme set up to improve the situation of the Gypsies, in particular in the field of education, promotion of the Gypsy culture, housing and employment, and conducted in collaboration with Gypsy associations, is noted with satisfaction. The Self-Regulating Agreement between the Ministry of Social Affairs and the mass media, concluded in order to promote a positive and non-discriminatory image of the Gypsy community, is viewed by the Committee as an original and positive measure.

204. The various campaigns initiated by the Ministry of Social Affairs or by the European Union, for example, the "Democracy is equality" and "Youth against

intolerance" campaigns, and the "Youth campaign against racism, xenophobia, anti-Semitism and intolerance", are welcomed.

D. Principal subjects of concern

205. Concern is expressed over the increasing manifestation of racism, xenophobia and discrimination against foreigners, asylum-seekers and members of the Gypsy community. It is noted with serious concern that evidence of racist attitudes on the part of members of the police and the Civil Guard seems to be increasing, and that the number of convictions resulting from such incidents does not seem to increase proportionately.

206. It is regretted that no precise information was provided with regard to the socio-economic situation of the Gypsy community. Similarly, not enough precise information was provided to the Committee with regard to the status of the Muslims residing in Cueta and Melilla; in particular, it was not made clear whether the members of this community were full Spanish citizens.

207. It is noted that neither the report nor the additional oral information provided the Committee with enough information on the training of members of the security forces, the judiciary and the public service at large in the avoidance of racial discrimination.

208. While the wide autonomy enjoyed by the Autonomous Communities in Spain in the field of education is welcomed, it is noted with concern that in Catalonia and in the Basque Country it may be difficult for the children of the Castilian-speaking minority to receive education in their mother tongue.

209. Serious concern is also expressed with regard to the status of neo-Nazi and other extreme-right organizations which spread racist ideas. It is regretted that it was not made clear during the discussion whether such organizations could be registered and, if so, whether they could be dissolved on the sole ground that they spread racist ideas, or whether they were secret and, in this case, what the attitude of the authorities towards them is. It is doubtful whether Spain fully implements article 4 (b) of the Convention.

210. It is noted that, while efforts to relocate members of the Gypsy community in the Madrid area through the resettlement plan of the Madrid Municipal Corporation are welcomed, more attention should be paid by the authorities to ensuring that the implementation of the plan does not lead to the segregation of this community.

211. It is also noted that the lack of information on the implementation of article 5 of the Convention makes it difficult for the Committee to evaluate the actual situation with regard to the enjoyment of civil, political, economic, social and cultural rights by foreigners and members of the various ethnic groups in Spain.

212. Doubts were expressed whether victims of racial discrimination have effective remedies at their disposal for seeking just and adequate reparation from competent tribunals.

E. Suggestions and recommendations

213. The Committee recommends that the Spanish authorities urgently adopt more effective measures to contain and punish racist actions and xenophobia in all their forms, in particular through the training of members of the security forces, of the judiciary and other officials and through a close surveillance of extreme-right organizations. With regard to the latter, the Committee recommends the reinforcement of measures aiming at the full implementation of article 4 of the Convention.

214. The Committee recommends that the enjoyment by everyone, without discrimination, of the rights listed in article 5 of the Convention be ensured. In that regard, the Committee particularly recommends that strengthened attention be given to the equal enjoyment by members of the Gypsy community of the rights to housing, to education, to work and to protection in the event of unemployment.

215. The Committee recommends that the next report contain detailed information on complaints and sentences relating to acts of racial or ethnic discrimination.

216. The Committee recommends that measures be taken by the authorities to ensure that Castilian-speaking children have the possibility of receiving education in Castilian in Catalonia and in the Basque Country.

217. The Committee recommends that information be provided in the State Party's next periodic report on the results of the implementation of the laws and amendments recently adopted and mentioned above and on the obstacles encountered in their implementation, as well as on the implementation of article 5 of the Convention. Similarly, the Committee stresses the necessity for complete and up-to-date statistical data to be included in the next report on the exact ethnic composition of the Spanish population and on the socio-economic characteristics of each ethnic group.

218. The Committee recommends that the State Party's next periodic report, due on 5 January 1998, be a comprehensive report in accordance with the reporting guidelines.

United Kingdom of Great Britain and Northern Ireland

219. The Committee considered the thirteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/263/Add.7 and CERD/C/263/Add.7, Part II) at its 1139th, 1140th and 1141st meetings (see CERD/C/SR.1139-1141), held on 4 and 5 March 1996, and, at its 1154th meeting, held on 14 March 1996, adopted the following concluding observations.

A. Introduction

220. The Committee welcomes the thirteenth periodic report of the United Kingdom of Great Britain and Northern Ireland and one of its dependent territories (Hong Kong). It notes with satisfaction the State Party's timely submission of the report, as well as the detailed answers provided to the questions posed at the present session and to the issues raised by the Committee in its concluding observations in connection with the twelfth periodic report. The Committee recognizes that since the United Kingdom became a party to the Convention many

legislative and other measures have been taken to implement the provisions of the Convention.

221. The Committee notes with regret that Part II of the report deals with the implementation of the Convention in only one dependent territory (Hong Kong) and that no information has been submitted with respect to the other dependent territories. It nonetheless expressed appreciation for the Government's engagement in a frank and constructive dialogue with the Committee, including on the legal issues about which the Government is, much to the regret of the Committee, in disagreement with the Committee.

222. The Committee expresses appreciation for the specific information received from non-governmental organizations based in the State Party, which helped it to clarify the situation and contributed to the quality of the dialogue.

223. It is noted that the State Party does not envisage making the declaration provided for in article 14 of the Convention, and that a number of members of the Committee requested the State Party to reconsider its position on this matter.

B. Factors and difficulties impeding the implementation of the Convention

224. The Committee notes that a large number of manifestations of racism and racially motivated attacks and incidents directed against members of ethnic minorities continue to occur in the territory of the State Party.

C. Positive factors

225. The legislative proposal to allow the Commission on Racial Equality to accept legally binding undertakings and the introduction of new legislative provisions to address the issue of persistent harassment are welcome developments. The special effort made by the Government to increase the representation of ethnic minorities in the police force is also noted with satisfaction, as is the attention being paid in recent years to collecting data on and investigating racially motivated crimes, deaths in detention and complaints of police brutality.

226. The new grants for education support and training, which are intended to increase the English skills of students from ethnic minority groups, are viewed as a constructive way to raise the standards of academic achievement of these students.

227. The commitment to enact a race relations law for Northern Ireland, although much belated, is also welcome.

228. With respect to Hong Kong, the study on racial discrimination proposed to begin by the end of the present year is viewed as a constructive means of determining the extent of problems in the area of racial discrimination and reviewing all laws that may in a discriminatory manner confer exclusive benefits on members of a particular race. Where discrimination is found to exist, the study could serve as an important basis for the development of solutions.

D. Principal subjects of concern

229. Note is taken of the fact that the 1976 Race Relations Act, by which many of the provisions of the Convention are given effect in domestic law, is subordinate to a wide range of rules and may be superseded by new rules or laws. The legal framework prohibiting racial discrimination is further weakened by the non-incorporation of the Convention in domestic legislation, the absence of a bill of rights espousing the principle of equality before the law and non-discrimination, and the lack of recourse of individuals to petition an international body such as the Committee. In addition, concern is expressed that the laws relevant to the implementation of the Convention do not appear to be uniformly applied throughout the territory of the United Kingdom; specifically, the Race Relations Act does not extend to Northern Ireland and some provisions of the Criminal Justice Act do not apply to Scotland.

230. Special concern is expressed over the issue of religious discrimination, in connection with anti-Muslim sentiment. Discrimination against Muslims may be closely related to questions of race and ethnicity, but no legislation is in place to deal effectively with this type of discrimination.

231. Concern is expressed over the interpretation of article 4 as presented in the State's Party interpretative statement regarding this article and reaffirmed in the thirteenth periodic report. Such an interpretation is not only in conflict with the established view of the Committee, as elaborated in its General Recommendation XV (42), but also amounts to a negation of the State Party's obligation under article 4 (b) of the Convention to outlaw and prohibit organizations which promote and incite racial discrimination.

232. In connection with article 5 of the Convention, it is noted with serious concern that among the victims of death in custody are a disproportionate number of members of minority groups, that police brutality appears to affect members of minority groups disproportionately, that allegations of police brutality and harassment are reportedly not vigorously investigated and perpetrators, once guilt is established, not appropriately punished. Persons belonging to ethnic minority groups are underrepresented in political and public life, as reflected in their representation among the voting public, the police and armed forces and holders of public office. Deep concern is expressed about reports that they suffer significantly higher levels of unemployment relative to the rest of the population and that disproportionate numbers of black children are being excluded from schools.

233. Special concern is also expressed for the Irish Traveller community, whose situation affects their right to public health care and social services under article 5 (e). It is noted that the policy of designating land for the use of Travellers has contributed to their lower standard of living and has curtailed their freedom of movement by limiting the places which they might inhabit.

234. Serious concern is expressed at the absence of comprehensive race relations legislation in Northern Ireland. Equally, concern is expressed at the lack of positive efforts to bridge the cultural gaps in Northern Ireland between mainstream society and minority groups, particularly the Chinese and Irish Traveller communities. This has resulted in a disturbing reluctance by many members of these groups to make use of health and other social services.

235. Concerning the treatment of foreigners, serious concern is expressed that the proposed Asylum and Immigration Bill, published on 30 November 1995, would alter the status of many persons living in the United Kingdom in an adverse and

discriminatory manner. This bill, if enacted, would, inter alia, prohibit employers from employing persons who are in the process of appealing a decision which rejected their petition to remain. It would also deny a number of social services to persons who have been granted permission to remain in the United Kingdom, including asylum-seekers, and others who have been granted permanent leave to stay but have not been naturalized. It is a matter of deep concern that most of the affected persons would be persons belonging to ethnic minorities.

236. With respect to Hong Kong, concern is expressed at the failure to include in the 1991 Population Census questions which would help determine the ethnic and racial composition of the population. The identification of minority groups and subsequent analysis of their political, economic and social status is a precondition for determining the difficulties that minority groups may be facing and whether and how any such difficulties may be due to discrimination.

237. It is noted with concern that the adoption of the Bill of Rights Ordinance, while a welcome measure, does not protect persons in Hong Kong from racial discrimination to which they may be subjected by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d) of the Convention.

238. The Government's statement that South Asian residents of Hong Kong are granted some form of British nationality, whether that of a British National Overseas (BNO) or a British Overseas Citizen (BOC), so that no resident of Hong Kong would be left stateless following the transfer of sovereignty is noted with interest. It is, however, a matter of concern that such status does not grant the bearer the right of abode in the United Kingdom and contrasts with the full citizenship status conferred upon a predominantly white population living in another dependent territory. It is noted that most of the persons holding BNO or BOC status are Asians and that judgements on applications for citizenship appear to vary according to the country of origin, which leads to the assumption that this practice reveals elements of racial discrimination.

239. Concern is also expressed about the "two-week rule", which prohibits foreign workers from seeking employment or remaining in Hong Kong more than two weeks after the expiration of their employment contracts. In view of the fact that the overwhelming majority of the persons affected by this rule are female Filipino foreign domestic workers, this rule appears to have discriminatory aspects under the terms of the Convention, which may leave workers vulnerable to abusive employers.

240. In connection with Vietnamese asylum-seekers in Hong Kong, there are serious indications that the conditions to which these persons are subjected during their often prolonged detention in refugee centres constitute a violation of their human rights and require urgent attention. Of principal concern is the absence of educational facilities for the children in these centres.

E. Suggestions and recommendations

241. The Committee recommends that the State Party submit information on why anti-discrimination legislation, specifically the 1976 Race Relations Act and the 1994 Criminal Justice and Public Order Act, is not applied equally throughout the territory of the United Kingdom. Further, the Committee recommends that the Race Relations Act be re-examined with a view to elevating its status in domestic law so that it may not be superseded by new rules or

laws. The Committee also recommends that the United Kingdom reconsider its interpretation of article 4.

242. The Committee recommends, with respect to articles 5 and 6, that the adequacy of legal aid available to alleged victims of racial discrimination be reviewed and that all complaints of police brutality be vigorously and independently investigated and the perpetrators punished. It recommends that investigations into deaths in custody be carried out expeditiously by independent inquiry mechanisms. The Committee further recommends that comprehensive, action-oriented studies be undertaken to ascertain the reasons behind the low participation of persons belonging to ethnic minority groups in elections, both as voters and as candidates for public office, the reason for their low representation in the police and armed forces, and the reason for their disproportionately high level of unemployment.

243. Noting with satisfaction the willingness of the State Party to inform the Committee in a more comprehensive manner about the role and the functioning of industrial tribunals dealing with complaints relating to discrimination in employment, the Committee recommends that in the next periodic report special attention be given to such aspects as accessibility, procedures and types of redress.

244. The Committee recommends that the next report of the State Party contain detailed information on complaints and sentences relating to acts of racial or ethnic discrimination.

245. The Committee recommends that, during the further consideration of the 1995 Asylum and Immigration Bill, published on 30 November 1995, full consideration be taken of the provisions of the Convention. Detailed information about its application and the ethnic composition of potentially affected persons is requested in the fourteenth periodic report.

246. The Committee recommends that effective programmes be established to care for the health and educational needs of the Irish Traveller community in Great Britain and Northern Ireland.

247. The Committee takes note of the establishment of the Ethnic Minorities Advisory Committee (EMAC) in 1991 to assist the Judicial Studies Board in addressing racial and multicultural issues in courts. The Committee requests that information be submitted in the fourteenth periodic report indicating whether training from EMAC is obligatory for all judges and how many judges have actually received training by the date of submission of that report.

248. In view of the fact that many of the persons found not to be entitled to remain in the United Kingdom are members of minority groups, the Committee reiterates its position that States are obligated under the Convention not only to enact appropriate legislation but also to ensure its effective implementation.

249. The Committee recommends that the provisions of the Convention be taken into full account in the drafting of comprehensive race relations legislation for Northern Ireland. The Committee recommends that an effort be made to make available in the principal minority languages important public information, particularly concerning basic health care.

250. With respect to article 5 (e) and 7 of the Convention, the Committee repeats its recommendation that in the next report information be included

regarding the development of plans to improve the economic and social conditions of minority groups through various measures in the field of employment and training, housing, social services, health and education, and in particular that the fourteenth periodic report include specific information on the number of persons from minority groups assisted through the programmes in place or to be introduced. The report should also address the manner in which such persons were assisted and the effect of the programmes on their overall welfare. Among the programmes discussed should be the Single Regeneration Budget, the Equal Opportunities Ten-Point Plan for Employers and the various educational grants for minority students.

251. Noting with concern the absence of legislation in Northern Ireland to outlaw racial discrimination and the Government's statement that close consideration is being given to this issue, the Committee recommends that a bill be promulgated as soon as possible.

252. The Committee notes with interest that action is taken to address the needs of children from the Black and other minority communities who are excluded from schools and recommends that the Government regularly collect and analyse data relating to the academic progress of children, broken down by ethnicity, to develop policies and programmes with a view to eliminating disadvantages based on race.

253. With respect to Hong Kong, the Committee recommends that efforts be made to determine the ethnic and racial composition of the population. The Committee recommends that the Bill of Rights Ordinance be amended to extend the prohibition of discrimination to acts committed by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d), of the Convention. The Committee recommends that the "two-week rule" be modified to allow foreign workers to seek new employment in Hong Kong when their employment contracts are terminated.

254. The Committee recommends that the question of the citizenship status of Hong Kong residents belonging to ethnic minorities of Asian origin be reviewed to ensure that their human rights are protected and that they are not discriminated against as compared with residents of other former colonies of the United Kingdom.

255. The Committee recommends that the fourteenth periodic report, due on 5 April 1996, be an updating report, that it contain information on the metropolitan territory as well as on the dependent territories, including Hong Kong, and that it address all the points raised in these observations.

Guinea

256. At its 1154th meeting, held on 14 March 1996 (see CERD/C/SR.1154), the Committee reviewed the implementation of the Convention by Guinea based upon its previous report (CERD/C/15/Add.1) and the Committee's consideration thereof (see CERD/C/SR.369). The Committee noted with regret that no report had been submitted to the Committee since 1977.

257. The Committee regretted that Guinea had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Guinea setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

258. The Committee suggested that the Government of Guinea avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

Gambia

259. At its 1154th meeting, held on 14 March 1996 (see CERD/C/SR.1154), the Committee reviewed the implementation of the Convention by Gambia based upon its previous report (CERD/C/61/Add.3) and the Committee's consideration thereof (see CERD/C/SR.550). The Committee noted with regret that no report had been submitted to the Committee since 1980.

260. The Committee regretted that Gambia had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of the reporting State setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

261. The Committee suggested that the Government of Gambia avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

Côte d'Ivoire

262. At its 1154th meeting, held on 14 March 1996 (see CERD/C/SR.1154), the Committee reviewed the implementation of the Convention by Côte d'Ivoire based upon its previous report (CERD/C/64/Add.2) and the Committee's consideration thereof (see CERD/C/SR.510, 511 and 922). The Committee noted with regret that no report had been submitted to the Committee since 1980.

263. The Committee regretted that Côte d'Ivoire had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Côte d'Ivoire setting out its reporting obligations under the Convention nd urging that the dialogue with the Committee should be resumed as soon as possible.

264. The Committee suggested that the Government of Côte d'Ivoire avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

Bolivia

265. The Committee examined the eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports of Bolivia, which were submitted in a single document (CERD/C/281/Add.1), at its 1157th and 1160th meetings, held on 5 and 7 August 1996 (see CERD/C/SR.1157 and 1160). In the light of the examination of the report and the observations made by the members of the Committee, the

Committee, at its 1176th meeting, on 19 August 1996, adopted the following concluding observations. 8/

A. Introduction

266. While the Committee regrets the long period, since 1983, during which no reports were submitted by the State Party, it welcomes the submission of the combined eighth, ninth, tenth, eleventh, twelfth and thirteenth periodic reports. The Committee expresses appreciation for the frank manner in which the report addresses the actual situation in Bolivia. It also expresses its appreciation for the additional information provided by members of the State Party's delegation and for their willingness to engage in a constructive dialogue with the Committee. The information contained in the report and in the oral answers to its questions allowed the Committee to obtain a clearer view of the overall human rights situation in the State Party with respect to racial discrimination.

267. The Committee notes that the State Party has not made the declaration provided for by article 14 of the Convention; some members of the Committee requested the State Party to consider the possibility of making such a declaration.

B. Factors and difficulties affecting the implementation of the Convention

268. Note is taken, with concern, of the conditions of extreme poverty principally affecting members of the indigenous population. Poverty is evident in the lack of access to some basic services, such as provision of clean water, medical care, education and electricity.

269. The high rate of illiteracy and the fact that the national language, Spanish, is spoken by only 44 per cent of the population, and the large number of languages and dialects spoken in the country are noted with concern, as they make communication difficult between the various ethnic groups and, in many cases, place indigenous persons at a disadvantage in the defence of their human rights.

270. Concern is also expressed about the complex problem of drug trafficking and, in the rural areas, drug production, principally affecting members of the indigenous population, which the Government, faced with economic problems and violations of the law, as well as external pressures, is struggling to eradicate.

C. Positive aspects

271. The progress made in stabilizing the national economy is welcomed, as are the Government's efforts to reduce the great disparities between the level of development of the capital and other urban areas relative to the remote rural areas of Bolivia.

272. In addition, the Law on Popular Participation of 1994 is welcomed for its recognition of indigenous communities as juridical persons and granting to such communities the power to engage in certain activities independently of the

central authorities. These include the capacity to contract public projects and to receive international assistance for local development.

273. The abolition of the practice of debt imprisonment is welcomed. This practice by definition has affected the poorer sectors of society and consequently has had important racial implications.

274. The new measures to provide maternity care and medical care for infants until the age of five years, under Supreme Decree 24,303, are welcomed and considered to be in conformity with article 5 (e) of the Convention.

275. The protection of the indigenous population should be improved by the planned adoption of legal provisions for the establishment of various institutions with specific areas of responsibility in the protection of human rights, including the National Organ for Minors, Women and the Family and the Sub-Secretariat on Human Rights in the Ministry of Justice. The post of a national human rights ombudsman envisioned in the constitutional reforms of 1994 is also welcomed.

D. Principal subjects of concern

276. Deep concern is expressed over the lack of legislative provisions classifying as an offence punishable by law the dissemination of ideas based on racial superiority or hatred, acts of violence or incitement to violence against any race or group of persons of another colour or ethnic origin and the provision of assistance to racist activities, as required under article 4. In this connection, attention is drawn to the fact that failure to take such action impairs implementation of article 6 on the right to effective protection and remedy.

277. Attention is drawn to article 5 (c), in accordance with which all persons have the right to have equal access to the public service. In this regard, regret is expressed that the law on the public service, adopted in 1992, does not expressly prohibit racial discrimination in the selection of public servants.

278. Note is taken of the disparities in the access to economic, social and cultural benefits by different ethnic groups. While the difficulties in providing such benefits to regions far removed from the capital are appreciated, the disproportionate effects that may hinder the relative development of different communities are of deep concern, as they can perpetuate racial discrimination towards disadvantaged groups.

279. With respect to article 7, it is considered that insufficient information was made available concerning efforts in teaching and education to combat prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship, as required under this article.

280. It is noted with regret that quantitative information regarding the ethnic composition of the population, the geographic areas where minority communities are concentrated, the level of their standard of living and other educational and social indices was not provided in the present report. Such information is essential for the Government itself to detect possible patterns of discrimination and for the Committee to monitor effectively the implementation of the Convention.

E. Suggestions and recommendations

281. The Committee urges the Government to consider its obligations to make all forms of racial discrimination, as specified in article 4 of the Convention, punishable by law. In this respect, it notes with satisfaction the indication that the Government would welcome technical assistance towards this end. The Committee recommends that the Government avail itself of the technical cooperation services of the Centre for Human Rights of the United Nations.

282. The Committee recommends that information regarding the ethnic composition of the population, the geographic areas where minority communities are concentrated, the level of their standard of living and other educational and social indices be provided in the next report, which should be an updating report focused on those questions and subjects of concern raised by the Committee during the examination of the present report. It also requests that the next report include data on the indigenous communities that are affected by drug trafficking and how the Government's policies and programmes are affecting those groups. It will be appreciated if that information includes the amount of land withdrawn from coca production, the amount of land continuing to produce coca, the number of persons affected and the ethnic origin of those persons, as well as the effects of the Government's programmes on their living standards. If it is considered that assistance in this area would be helpful, the Committee recommends that the Government request technical assistance from the Centre for Human Rights with respect to the collection and analysis of data.

283. The Committee recommends that the next periodic report contain detailed information concerning the draft bill on land reform. It requests that the report explain how demands for sustainable development, for the promotion of agriculture and for protection of the rights of the indigenous and peasant communities will be reconciled in the draft bill.

284. The Committee urges that immediate attention be paid to the development of rural areas where many indigenous communities are situated. It encourages the Government to consider expansion of the economic and social infrastructure to enable those communities to be provided with access to clean water, energy, medical care, education, and other essential services and, in this regard, it calls special attention to the situation of the Guaraní people. The Committee encourages the Government to seek international assistance towards this end.

285. The Committee strongly recommends that the next periodic report include information regarding any measures taken to remedy the problems outlined in the report concerning judicial sentencing. In particular, the Committee requests information concerning the number of complaints of racial discrimination which have been made and examples of sentencing to be included in the next periodic report to gain a better understanding of the way in which the judicial system implements the obligations of the State under the Convention.

286. The Committee recommends that the next periodic report include information on how the Law on University Reform and other related measures will affect minority students and communities.

287. The Committee recommends that the State Party consider how it may implement the working provisions of article 7 and incorporate in the school curricula and the training of persons in the public service appropriate instruction to effectively combat prejudice and promote tolerance.

288. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States Parties.

289. The Committee recommends that the next periodic report of the State Party due on 22 October 1997, be updating in character and that it address all the points raised in the present concluding observations.

Brazil

290. The Committee considered the tenth, eleventh, twelfth and thirteenth periodic reports of Brazil submitted in a single document (CERD/C/263/Add.10), at its 1157th, 1158th and 1159th meetings (CERD/C/SR.1157-1159), on 5 August and 6 August 1996. At its 1177th meeting, on 19 August 1996, it adopted the following concluding observations.

A. Introduction

291. The Committee welcomes the resumption of the dialogue with the Government of Brazil after a nine-year break. It expresses its satisfaction to the State Party for the frankness of its report and the explanations provided by the delegation. However, it regrets that the report submitted contains little specific information on the implementation of the Convention in practice. In this connection, the Committee takes note of the delegation's statement that the State Party is ready to continue the dialogue in the near future and to provide it with fuller information on the measures taken to give effect to the Convention.

292. The Committee notes that the State Party has not made the declaration provided for by article 14 of the Convention; some members of the Committee requested that it should consider the possibility of doing so.

B. Factors and difficulties impeding the implementation of the Convention

293. The Committee recognizes that Brazil is a country with a very sizeable geographical area and population and that, during the past decade, it has undergone far-reaching political, economic and social changes. In spite of numerous structural, political, economic and social reforms, the authorities have not managed to control endemic poverty, thus exacerbating the social inequalities affecting the black, indigenous and mestizo populations in particular, and encouraging the emergence of a culture of violence.

C. Positive aspects

294. The recent legislative and institutional measures taken by the Government of Brazil to bring national legislation more into line with the Convention and to improve protection of the fundamental rights of the most vulnerable communities are welcomed. In this connection, the Committee takes particular note of the adoption of the new Constitution in 1988 and the recent establishment of a human rights commission, an inter-ministerial working group for the promotion of the black population and a ministry of agrarian reform and the promulgation of a national human rights plan. The creation, on an

experimental basis, of a police station to deal specially with cases of racial discrimination should also be highlighted.

295. The determination expressed by the delegation to ratify shortly ILO Convention No. 169 concerning indigenous and Tribal Peoples in Independent Countries is a step forward which the Committee hopes Brazil will take as soon as possible.

296. Active participation by members of society at large in drafting the State Party's report is a welcome development, as is the determination expressed by the Brazilian authorities to disseminate widely the report and the Committee's concluding observations.

D. Principal subjects of concern

297. The statistical and qualitative information on the demographic composition of Brazil's population and on the enjoyment of political, economic, social and cultural rights provided in the State Party's report clearly show that the indigenous, black and mestizo communities suffer from deep structural inequalities and that the measures taken by the Government effectively to combat those disparities are still insufficient.

298. The Committee notes that the report contains no information on the "indicators" of the particular social difficulties encountered by the most vulnerable populations, especially the indigenous, black and mestizo populations.

299. A number of sources of information concur that discriminatory attitudes towards the indigenous, black and mestizo populations persist within Brazilian society and are apparent at a number of levels in the political, economic and social life of the country. These discriminatory attitudes concern, inter alia, the right to life and security of person, political participation, access to education and employment, access to basic public services, the right to health, the right to decent housing, land ownership, land use and law enforcement.

300. Special concern is expressed about the fate of the most vulnerable populations, in particular indigenous people, blacks and mestizos.

301. Regarding the implementation of article 2 of the Convention, the Committee notes with concern the slow pace of certain legislative reforms, in particular the reform of the Criminal Code. The Committee notes with concern the maintenance of article 6 of the 1916 Civil Code of Brazil, containing a discriminatory restriction on the exercise of civil rights by the indigenous populations which is contrary to the 1988 Constitution of Brazil, although according to the explanations of the representative of Brazil this provision has become obsolete.

302. The fact that illiterate citizens, who are found especially among the indigenous, black or mestizo populations, or other vulnerable groups, cannot be elected in political elections is contrary to the spirit of article 5 (c) of the Convention.

303. Particular note is taken of the fact that the indigenous populations encounter serious discrimination in regard to enjoyment of their civil, political, economic, social and cultural rights. Special concern is expressed about the unfair treatment of the indigenous populations during land demarcation

and distribution, the violent and unlawful means used to settle numerous land disputes and the violence and intimidation used against them by private militias and even occasionally by members of the military police. Concern is also expressed about their social protection and the discrimination they suffer in the spheres of health, education, culture, employment, access to public office and housing.

304. Regarding the implementation of article 6 of the Convention, the Committee notes with regret that the information provided on cases in which judicial remedies were exercised by the victims of acts of racial discrimination was insufficient and did not allow a proper assessment to be made.

E. Suggestions and recommendations

305. The Committee hopes that the State Party will continue and strengthen its efforts to improve the effectiveness of measures and programmes designed to ensure that all groups of the population fully enjoy their political, economic, social and cultural rights. The Committee also recommends that the State Party devote due attention to developing programmes to foster awareness of human rights and of the need for tolerance, in order to prevent social and racial discrimination and prejudice.

306. The Committee requests the Government of Brazil to provide, in its next periodic report, precise information and "indicators" on the social difficulties encountered by the indigenous black and mestizo populations, and in particular on rates of unemployment, imprisonment, alcoholism, drug use, delinquency and suicide. The Committee also draws the State Party's attention to the need to devise "indicators" to assess policies and programmes for protecting and promoting the rights of the vulnerable populations.

307. The Committee recommends that the State Party should do everything possible to speed up the current legislative reforms and, more specifically, to amend article 6 of the 1916 Civil Code of Brazil, which is contrary to its 1988 Constitution. The State Party should also take measures to allow illiterate citizens from the most underprivileged population groups to be elected in political elections.

308. The Committee recommends that the Government of Brazil put more vigorously into practice its determination to defend the fundamental rights of indigenous people, blacks, mestizos and members of other vulnerable groups, who are regularly the victims of serious intimidation and violence, sometimes leading to their death. It hopes that the authorities concerned will systematically prosecute those guilty of such crimes, whether they are members of private militias or State officials, and will take effective preventive measures, especially through training for the members of the military police. In addition, the State Party should ensure that the victims of such acts receive compensation and are rehabilitated.

309. The Committee strongly recommends that the State Party should adopt fair and equitable solutions for the demarcation, distribution and restitution of land. To that end, where land disputes are concerned, everything possible should be done to prevent discrimination against indigenous people, blacks or mestizos by the big landowners.

310. The Committee encourages the State Party to ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

311. The Committee recommends that the next periodic report of Brazil contain detailed information on complaints filed by the victims of acts of racial discrimination and on how they were dealt with by the courts.

312. The Committee recommends that the State Party give nationwide publicity to its thirteenth periodic report and the Committee's concluding observations thereon.

313. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention which were adopted by the 14th meeting of States Parties.

314. The Committee recommends that the State Party's next periodic report, which is due on 4 January 1998, contain an update of the previous report and focus on all the points raised in the present concluding observations.

Republic of Korea

315. The Committee on the Elimination of Racial Discrimination considered the eighth periodic report of the Republic of Korea (CERD/C/258/Add.2) at its 1159th and 1160th meetings, held on 6 and 7 August 1996 (see CERD/C/SR.1159-1160), and adopted the following concluding observations at its 1176th meeting, held on 19 August 1996.

A. Introduction

316. The Committee welcomes the eighth periodic report of the Republic of Korea and is pleased by the regularity with which the State Party submits its reports. It takes note of the detailed supplementary information provided by the delegation, which includes replies to some of the suggestions and recommendations adopted by the Committee during its consideration of the seventh periodic report of the State Party. The Committee also appreciates the open dialogue initiated with the delegation and the delegation's oral replies to the questions raised during the discussion.

B. Factors and difficulties impeding the implementation of the Convention

317. The Committee notes that the Republic of Korea, of which the population has historically been ethnically homogeneous, has for several years been experiencing a rapid growth of its foreign population. In particular, the Committee notes that many of those foreigners are in an irregular situation, a fact which makes it difficult to implement the provisions of the Convention on their behalf because they have no legal status in the country.

C. Positive aspects

318. The Committee views with interest the Government's wish to establish an independent national human rights commission. It notes with appreciation that the Republic of Korea is among the States Parties which have accepted the amendments to article 8, paragraph 6, of the Convention, adopted at the 14th meeting of States Parties.

319. The adoption of administrative guidelines on the protection of foreign industrial trainees in order to ensure them protection on an equal basis with national and legally registered foreign workers is in the spirit of article 5 of the Convention.

320. In that regard, the Committee notes that the Government of the Republic of Korea is considering creating a work permit for illegal foreign workers that would place them under the aegis of the Labour Standards Act, which, inter alia, prohibits discrimination on the basis of nationality and ensures minimum protection against poor working conditions and low wages.

321. The Committee welcomes the setting up of complaint centres in all immigration control centres, where foreign workers can file complaints in cases where their rights have been violated.

322. The Committee notes the existence of many possibilities for seeking remedies with the governmental and legal authorities and for suing individuals, the State or its representatives for compensation in cases of violations of fundamental human rights.

323. The Committee appreciates the Government's implementation of the Committee's recommendation, made during its consideration of the State Party's previous report, that human rights awareness sessions should be organized for law enforcement officials as a contribution to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The Ministry of Justice's translation into Korean of the texts of the international human rights conventions is also likely to enhance the general public's familiarity with those instruments.

324. The Committee notes with satisfaction that, according to the explanations provided by the delegation of the Republic of Korea, the provisions of the Convention may be invoked by individuals before the courts, which may apply them directly on the same basis as domestic law.

325. The Committee welcomes the statement by the delegation that the State Party is planning to accept soon the competence of the Committee under article 14, paragraph 1, of the Convention.

D. Principal subjects of concern

326. The Committee notes with concern that neither the Constitution nor the law of the Republic of Korea explicitly prohibits discrimination on the basis of race, colour, descent, or national or ethnic origin, despite the provisions of article 2 of the Convention and the Committee's previous recommendations on the matter.

327. The Committee also notes with concern that article 4 of the Convention has not yet been fully implemented, since the law of the Republic of Korea contains no provisions explicitly punishing acts of racial discrimination and prohibiting organizations which promote and encourage racial discrimination.

328. The Committee notes with concern that there is discrimination against people of foreign origin who were born and have settled in the Republic of Korea, particularly Chinese, in relation to people of Korean origin, with regard to certain matters - for example, the impossibility of acquiring citizenship of

the Republic of Korea and the difficulty in obtaining employment in some large companies.

329. The Committee also notes that, although the Government recognizes the existence of a problem of discrimination against Amerasian children, no information has been provided on any steps taken by the Government to remedy that situation.

330. The Committee regrets the fact that insufficient information has been provided with regard to article 5 of the Convention. As a result, the Committee has been unable to form an opinion on the actual situation regarding the equal enjoyment by all, without distinction as to racial, national or ethnic origin, of the various rights set forth in article 5 of the Convention.

331. The large number of foreigners who are being employed in ever-increasing numbers by businesses in the Republic of Korea, who live and work clandestinely in the country, usually under difficult and precarious conditions, and who are the victims of discrimination under the provisions of article 5 (a), (b), (d), (e) and (f) of the Convention, is a source of concern for the Committee. The same concern has been expressed with regard to the situation of foreign trainees who are allegedly subjected to various form of discrimination and forced labour.

E. Suggestions and recommendations

332. The Committee recommends that constitutional and legislative measures should be taken to remedy the omission of race as a ground for discrimination in the law of the Republic of Korea and, in that regard, notes the compulsory nature of the provisions of article 2 of the Convention.

333. The Committee also underlines the compulsory nature of the provisions of article 4 of the Convention and recommends that the State Party adopt appropriate legislation to give effect to those provisions, particularly by enacting a law explicitly prohibiting and punishing acts of racial discrimination and organizations which promote and encourage racial discrimination. In that regard, the Committee recommends that the State Party should take account of the Committee's General Recommendation XV.

334. The Committee also recommends that measures be taken to ensure that persons of foreign origin who were born and have settled in the Republic of Korea are no longer subject to discrimination based on ethnic origin. The Committee would like the next report to provide further information on the situation of such foreigners, the current situation of the children of mixed marriages, particularly Amerasian children, and any measures taken to improve that situation.

335. The Committee recommends that the next report of the State Party should include detailed information on legislative and practical measures taken by the authorities to ensure respect for the provisions of article 5 of the Convention.

336. The Committee also recommends that measures be taken to improve the situation of migrant workers, particularly foreigners with irregular status in the Republic of Korea; in particular, it recommends that, as envisaged by the authorities, a work permit be introduced for such persons, in order to legalize their situation.

337. The Committee requests the State Party to include in its next report information on complaints received, and cases tried, concerning matters of racial discrimination.

338. The Committee recommends that the next periodic report of the State Party, which was due on 4 January 1996, be a full report dealing with all the points raised during the present discussion.

India 9/

339. At its 1161st, 1162nd and 1163rd meetings, held on 7 and 8 August 1996 (see CERD/C/SR.1161-1163), the Committee on the Elimination of Racial Discrimination considered the tenth to fourteenth periodic reports of India (CERD/C/299/Add.3) and adopted, at its 1182nd meeting, held on 22 August 1996, the following concluding observations.

A. Introduction

340. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State Party on the basis of its tenth to fourteenth periodic reports. It regrets the brevity of the report, all the more so since 10 years have passed since the previous report was submitted. It also regrets that the report does not provide concrete information on the implementation of the Convention in practice; it furthermore regrets that the report and the delegation claim that the situation of the scheduled castes and scheduled tribes does not fall within the scope of the Convention.

341. The Committee notes that the State Party has not made the declaration provided for in article 14 of the Convention. Some of the members of the Committee requested that the possibility of making such a declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

342. It is noted that India is a large multi-ethnic and multicultural society. It is also noted that the extreme poverty of certain groups in the population, the system of castes and the climate of violence in certain parts of the country are among the factors which impede the full implementation of the Convention by the State Party.

C. Positive aspects

343. The leading role played by India in the struggle against racial discrimination and apartheid at the international level is welcomed by the Committee. The Committee also acknowledges the far-reaching measures adopted by the Government to combat discrimination against members of scheduled castes and scheduled tribes.

344. The demographic data on the composition of the population and on the representation of various communities in the public service at the central and state level of government provided by the delegation during the meetings are welcomed.

345. The broad functions and powers of the recently established National Commission on Human Rights, as defined by the Protection of Human Rights Act (1993), which include the capacity to inquire into complaints of violations of human rights, to intervene in any proceeding involving allegations of violation of human rights pending before a court, to review constitutional and legal safeguards, to study treaties and other international instruments on human rights, to recommend measures for their effective implementation and to spread human rights literacy among the population, are welcomed by the Committee. It is noted with interest that the Commission encourages the states within the federation to create human rights commissions, as well as tribunals dealing specifically with human rights.

346. The Committee takes note of the plurality of newspapers and the mass media, and their awareness of human rights problems. The Committee holds that they play an important role in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

347. Note is also taken of the procedure of public interest litigation adopted by the Supreme Court, which affords the possibility to anyone, and not only to the victims of human rights violations, to seek redress from the court by any means, even by means of a postcard.

348. Articles 15 (i) and 15 (ii) of the Constitution of India, prohibiting all forms of discrimination by the State and its agents, or between individuals, including discrimination based on race and castes, as well as article 153, paragraphs (a) and (b), and article 505 of the Penal Code, which prohibit actions that promote disharmony, hatred, feelings of enmity and ill-will on grounds of race or religion, are found to be mainly in conformity with article 2, paragraph 1, of the Convention.

349. The Committee welcomes the statement in the State Party's report to the effect that no organization which promotes and incites racial discrimination can legally exist in India and that the Constitution and the laws in this regard make it clear that the State Party will take all necessary measures within the law to prevent activities and propaganda which promote and incite racial discrimination.

350. The lapse of the Terrorist and Disruptive Activities (Prevention) Act (TADA), which applied in parts of the north-eastern part of the country and in Jammu and Kashmir, under which the right to personal security of some members of ethnic and religious minorities living in those areas was often reported to be violated by security forces, is welcomed.

351. The importance accorded by the authorities to education as a means to spread awareness of human rights and literacy among the population and to struggle against all forms of discrimination, in particular racial discrimination, as well as the activities of the National Commission on Human Rights and the inclusion of human rights in the training of law enforcement officials, are welcomed.

D. Principal subjects of concern

352. Noting the declaration in paragraph 7 of the report, reiterated in the oral presentation, the Committee states that the term "descent" mentioned in article 1 of the Convention does not solely refer to race. The Committee affirms that the situation of the scheduled castes and scheduled tribes falls

within the scope of the Convention. It emphasizes its great concern that within the discussion of the report, there was no inclination on the side of the State Party to reconsider its position.

353. The Committee is seriously concerned that the Kashmiris, as well as other groups, are frequently treated, on account of their ethnic or national origin, in ways contrary to the basic provisions of the Convention.

354. Clause 19 of the Protection of Human Rights Act prevents the National Commission on Human Rights from directly investigating allegations of abuse involving the armed forces. This is a too broad restriction on its powers and contributes to a climate of impunity for members of the armed forces. Moreover, it is regretted that the Commission is debarred from investigating cases of human rights violation that occurred more than a year before the making of the complaint.

355. The absence of information on the functions, powers and activities of the National Commission on Scheduled Castes and Scheduled Tribes and of the National Commission on Minorities makes it impossible to assess whether these Commissions have a positive impact upon the enjoyment of human rights and fundamental freedoms by members of the groups in question.

356. It is regretted that no information has been provided to the Committee on the effective implementation of the penal provisions referred to in paragraph 348 above. In this regard, concern is expressed at numerous reports of acts of discrimination based on race, colour, descent or national or ethnic origin, although it was stated that no such case has yet been brought before the courts; this leads the Committee to wonder whether individuals are sufficiently informed about their rights.

357. The lack of concrete information on the legal provisions in force to prohibit organizations which incite and promote racial discrimination and hatred, and to punish members of such organizations in accordance with article 4 of the Convention, as well as on their application in practice, including eventual court decisions, is regretted. This is most serious in view of widespread violence against certain minorities actively sponsored by extremist organizations that have not been declared illegal.

358. The lack of information on the text of the Directive Principles of State Policy of the Constitution relating to the promotion of social, economic and cultural rights, and on measures to give them effect, makes any evaluation of the implementation of article 5 of the Convention more difficult.

359. Regrets are expressed that the National Security Act and, in some areas of India, the Public Safety Act, remain in force.

360. It is noted with concern that the denial of the equal enjoyment of political rights, as provided for in article 5 (c) of the Convention, has led to an increase of violence, in particular in Jammu and Kashmir.

361. It is noted that although constitutional provisions and legal texts exist to abolish untouchability and to protect the members of the scheduled castes and tribes, and although social and educational policies have been adopted to improve the situation of members of scheduled castes and tribes and to protect them from abuses, widespread discrimination against them and the relative impunity of those who abuse them point to the limited effect of these measures. The Committee is particularly concerned at reports that people belonging to the

scheduled castes and tribes are often prevented from using public wells or from entering cafés or restaurants and that their children are sometimes separated from other children in schools, in violation of article 5 (f) of the Convention.

362. The Committee regrets that certain communities do not enjoy representation in proportion to their size.

363. Although it is noted that the Supreme Court and the high courts have the jurisdiction to award compensation to victims of human rights violations, including in the field of racial discrimination, concern is expressed that there exists no specific statute providing for the right of individuals to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination, as required by article 6 of the Convention.

E. Suggestions and recommendations

364. The Committee recommends that the State Party continue and strengthen its efforts to improve the effectiveness of measures aimed at guaranteeing to all groups of the population, and especially to the members of the scheduled castes and scheduled tribes, the full enjoyment of their civil, cultural, economic, political and social rights, as mentioned in article 5 of the Convention. In this regard, the Committee recommends that the next report to be submitted by the State Party contain full and detailed information on the legislative aspects and the concrete implementation of the Directive Principles of the State Policy of the Constitution.

365. The Committee recommends that special measures be taken by the authorities to prevent acts of discrimination towards persons belonging to the scheduled castes and scheduled tribes, and, in cases where such acts have been committed, to conduct thorough investigations, to punish those found responsible and to provide just and adequate reparation to the victims. In this regard, the Committee particularly stresses the importance of the equal enjoyment by members of these groups of the rights to access to health care, education, work and public places and services, including wells, cafés or restaurants.

366. The Committee recommends that clause 19 of the Protection of Human Rights Act be repealed to allow inquiries of alleged abuses committed by members of the armed and security forces to be conducted by the National Commission on Human Rights, and that the Commission be enabled to look into complaints of acts of racial discrimination that occurred more than a year before the filing of the complaint.

367. The Committee recommends that the next periodic report of the State Party include information on the powers and functions, as well as on their effective implementation, of the National Commission on Scheduled Castes and Scheduled Tribes and of the National Commission on Minorities.

368. The Committee also recommends that the Government provide in its next periodic report information, including the number of complaints lodged and sentences passed, about the implementation in practice of the legal provisions prohibiting acts of racial discrimination and organizations which promote and incite racial discrimination, in accordance with articles 2 and 4 of the Convention.

369. The Committee recommends a continuing campaign to educate the Indian population on human rights, in line with the Constitution of India and with universal human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. This should be aimed at eliminating the institutionalized thinking of the high-caste and low-caste mentality.

370. The Committee reaffirms that the provisions of article 6 of the Convention are mandatory and that the Government of India should adopt legal provisions making it easier for individuals to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination, including acts of discrimination based on belonging to a caste or a tribe.

371. The Committee suggests that the State Party ensure wide publicity, as far as possible in the official and state languages, to its tenth to fourteenth reports and to the present concluding observations.

372. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the fourteenth meeting of States Parties.

373. The Committee recommends that the State Party's next periodic report, due on 4 January 1998, be a comprehensive report and that it address all the points raised in these concluding observations.

Malta

374. The Committee considered the eleventh and twelfth periodic reports of Malta (CERD/C/262/Add.4) at its 1161st and 1162nd meetings, on 7 and 8 August 1996 (see CERD/C/SR.1161-1162) and at its 1176th meeting, on 19 August 1996, adopted the following concluding observations.

A. Introduction

375. The Committee welcomes the report presented by the Government of Malta, which contains information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the dialogue with the delegation and for the answers given orally to the questions raised by members.

376. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention. Some members of the Committee requested that the possibility of making such a declaration be considered.

B. Positive aspects

377. The fact that the State Party states in its report that it has been actively studying the possibility of enacting new ad hoc legislation to cover all forms of discrimination is an encouraging step towards the future implementation of article 4 of the Convention.

378. The willingness affirmed by the State Party during the oral dialogue to consider making a declaration under article 14 of the Convention is welcomed.

379. The recent establishment of the office of the Ombudsman, whose mandate includes the consideration of complaints submitted by individuals relating to all forms of racial discrimination, is also welcomed.

380. The recent organization by the State Party of various media campaigns against the negative effects of racial discrimination because of an increase in tourism and in the number of foreign students and refugees is a positive action.

C. Principal subjects of concern

381. The Committee is concerned that the Government of Malta maintains in its report its official position that it does not need to enact new ad hoc legislation to cover all forms of racial discrimination.

382. The Committee acknowledges that although certain provisions of existing legislation could be utilized to punish racial discrimination, nevertheless the Government of Malta has not implemented article 4 of the Convention. Nor has the declaration relating to this article made upon ratification been withdrawn. The Committee reaffirms its opinion that no social system can fully guarantee the absence of racial discrimination.

383. It is regretted that not enough information has been provided by the State Party on certain economic and social rights under article 5 of the Convention or on recent measures taken to implement the provisions of article 7 of the Convention.

D. Suggestions and recommendations

384. The Committee recommends that the State Party comply fully with its obligations under article 4 of the Convention and take all necessary steps to amend the Criminal Code in that respect. Due account should be taken of the Committee's General Recommendation XV.

385. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public campaigns intended to prevent the spread of racial interpretations of social and political problems.

386. The Committee suggests that the Government continue its action taken to publicize the provisions of the Convention. In addition, the State Party should ensure the wide dissemination of its report and of the present concluding observations of the Committee, in both the English and Maltese languages.

387. The Committee also recommends that the next periodic report contain complete information on any complaints of racial or ethnic discrimination and judicial action subsequently taken.

388. The Committee recommends that the State Party comply fully with its obligations under the Convention and enact specific legislation to cover all forms of racial discrimination.

389. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the fourteenth meeting of States Parties.

390. The Committee recommends that the State Party's next periodic report, which was due on 8 January 1996, be updating in character and that it address all the points raised in these concluding observations.

People's Republic of China

391. The Committee examined the fifth, sixth and seventh periodic reports of the People's Republic of China, which were submitted in a single document (CERD/C/275/Add.2), at its 1163rd and 1164th meetings, held on 8 and 9 August 1996 (see CERD/C/SR.1163-1164). In the light of the examination of the report and the observations made by the members of the Committee, the Committee, at its 1179th meeting, on 20 August 1996, adopted the following concluding observations.

A. Introduction

392. The Committee welcomes the submission of the combined periodic report of the State Party and the resumption of dialogue. The Committee regrets that the report contained insufficient data on health, education, welfare and other social and economic conditions of life of the different minority groups, which made it difficult to assess properly the implementation of the Convention in the State Party. However, it expresses its satisfaction with the additional oral and written information provided by the delegation representing the State Party and with the constructive nature of the dialogue between the delegation and the Committee which, due to a restrictive timetable, could unfortunately not be prolonged.

393. The Committee notes that the State Party has not made the declaration provided for in article 14 of the Convention; some members requested the State Party to consider the possibility of making such a declaration.

B. Factors and difficulties affecting the implementation of the Convention

394. Note is taken of the large number of minorities which, according to the State Party, include 55 nationalities. Since a significant percentage of these nationalities do not reside in the autonomous minority areas, it is difficult to assess their living conditions with precision. Note is also taken of the difficulties in standardizing essential services throughout the vast territory of China.

C. Positive aspects

395. The strong economic growth experienced in recent years by the State Party is a positive factor and should provide greater possibilities for public investment in areas that require urgent attention. In particular, indications by the State Party that minority areas are granted public investment on a priority basis are viewed with great satisfaction.

396. Satisfaction is expressed that the living standards of minority peoples have improved in recent years, particularly with respect to preferential treatment with regard to marriages, family planning, university admissions, employment, etc.

397. Satisfaction is expressed at the efforts to preserve the linguistic heritage of the minority nationalities. Such efforts include the provision of textbooks, the development of school curricula and the publication of newspapers and literary works in the minority languages.

398. The State's policy of largely exempting members of minority nationalities from the birth control regulations which generally apply in China is welcomed.

399. The promulgation of laws and regulations at the various administrative levels covering many aspects of the lives of members of minorities is an indication that a policy of promoting the status of minorities is being pursued.

400. With respect to the autonomous areas, it is noted with appreciation that the law on regional autonomy for minority nationalities guaranties that a proportion of local government officials is drawn from local nationalities.

D. Principal subjects of concern

401. Concern is expressed at the lack of protective legal provisions for minority groups that are scattered throughout China. The absence of information regarding these minorities' enjoyment of rights enumerated in the Convention is noted with regret.

402. Further information regarding the ban on domestic organizations that propagate racial discrimination or the superiority of any people would be necessary to make a proper assessment of the implementation of article 4.

403. Concern is expressed with respect to reports concerning incentives granted to members of the Han nationality to settle in autonomous areas, as this may result in substantial changes in the demographic composition and in the character of the local society of those areas.

404. Taking into consideration that a distinctive religion is essential to the identity of several minority nationalities, concern is expressed with regard to the actual enjoyment of the right to freedom of religion in the State, particularly in the Muslim parts of Xinjiang and in Tibet, including the preservation of places of worship and the exercise of religious rights by members of all ethnic groups.

405. Concern is expressed at reported cases of violation in the autonomous regions of Xinjiang and Tibet of the right to security of person and protection against violence or bodily harm, as contained in article 5 (b) of the Convention. With regard to prison facilities, it is regretted that limited information is contained in the report on the percentage of persons imprisoned who are of minority origin relative to the total prison population in the State as a whole, the types of violations they have been charged with and the prison conditions under which they serve their sentences.

406. Concern is expressed at the underrepresentation in business in some areas of persons of minority groups, which may be indicative of structural obstacles to their enjoyment of increases in economic prosperity. Concern is also

expressed with regard to allegations that members of minority nationalities may not enjoy the same working conditions as persons of Han origin.

407. With respect to article 5 (e) (v) of the Convention, concern is expressed that at the secondary school and university levels children from minority nationalities are underrepresented. Moreover, concern is expressed that the instruction provided in the curricula on the history and culture of minority nationalities is not adequate as compared to the education provided concerning the history and culture of persons of the Han nationality.

408. Concern is expressed at the disparities in access to economic, social and cultural benefits by different ethnic groups. While the difficulties in providing such benefits to regions far removed from the capital and developed economic regions are appreciated, the effects of the differing levels of economic development of different regions and their impact on different communities are of concern, as they may generate racial discrimination towards disadvantaged groups. In addition, efforts with respect to economic development and national modernization should not deprive members of such ethnic groups of their right to their own culture, in particular their traditional ways of life.

409. With respect to article 7, concern is expressed about whether the efforts in teaching and education to combat prejudices which lead to racial discrimination are sufficient.

410. Concern is expressed about the content and implementation of the law of 1995 on mother and child health care and its impact on minority nationalities.

E. Suggestions and recommendations

411. The Committee recommends that the Government make all acts of racial discrimination, as specified in article 4 of the Convention, punishable by law. In this respect, it notes with satisfaction indications that the Government would welcome technical assistance from the technical cooperation services of the Centre for Human Rights of the United Nations.

412. The Committee recommends that with respect to article 4 more detailed information regarding the ban on domestic organizations that propagate racial discrimination or the superiority of any people be submitted in the State Party's next report.

413. The Committee recommends that comprehensive information regarding the composition of the population, the geographic areas where minority nationalities are concentrated, their standard of living and other educational and social indices be included in the next report. Such information should be provided not only with respect to minority nationalities living in the autonomous areas, but also as far as possible with respect to those dispersed in various regions. With regard to the latter groups, the Committee would appreciate information regarding the legal protection available to dispersed minorities relative to the rights provided for in the Convention.

414. The Committee recommends that consideration be given to the inclusion of more members of minority nationalities in positions of leadership, not only in the Government but also in the Party and other institutions at both the national and local levels.

415. The Committee recommends that the elaboration and adoption of autonomy regulations for the five autonomous regions, which were envisioned in the 1984 Law on Autonomous Regions, be expedited.

416. The Committee recommends that any policies or practices that may result in a substantial alteration of the demographic composition of autonomous areas be reviewed.

417. The Committee recommends that information and clarification be provided in the next periodic report on allegations of destruction by the State of mosques, Buddhist and Lama temples and other places of worship of the minority nationalities. It encourages the Government to avoid any restriction on the exercise of religious rights of the members of minority nationalities.

418. The Committee recommends that in relation to respect for article 5 (b) of the Convention information be provided in the next report concerning the number and percentage of persons detained who are of minority origin relative to the total prison population of the State Party and the types of violations with which they have been charged.

419. The Committee recommends that further necessary legal, administrative or other appropriate measures be taken to ensure that there is no discrimination against members of minority nationalities, in either the public service or private employment, with respect to the right to just and favourable conditions of work and the right to just and favourable remuneration.

420. With respect to article 5 (e) (v) of the Convention concerning the right to education, the Committee recommends that the State Party ensure access by members of minority nationalities to education at all levels and that, in autonomous areas, instruction on the history and culture of the relevant minority nationalities be included in the school curricula.

421. The Committee recommends that special attention be paid to any adverse effect that economic development and national modernization may have on the enjoyment of the right to culture, particularly of minority nationalities.

422. With respect to article 6 of the Convention, the Committee recommends that the State Party provide in its next periodic report information and statistics on complaints filed and judgements passed on acts of racial discrimination.

423. The Committee recommends that the State Party consider how it may implement the provisions of article 7 and incorporate in the school curricula and the training of persons working in the public service, appropriate instruction effectively to combat prejudice and promote tolerance.

424. The Committee recommends that the text of the Convention, the State report and the present concluding observations of the Committee be widely disseminated and made available in national languages, particularly those spoken in autonomous areas.

425. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the fourteenth meeting of States Parties.

426. The Committee recommends that the State Party's next periodic report, due on 28 January 1997, be updating in character and that it address all the points raised in these concluding observations.

Fiji

427. At its 1165th meeting, held on 9 August 1996 (see CERD/C/SR.1165), the Committee reviewed the implementation of the Convention by Fiji based upon its previous report (CERD/C/89/Add.3) and its consideration by the Committee (see CERD/C/SR.629 and 925-926). The Committee noted with regret that no report had been submitted to the Committee since 1982.

428. The Committee regretted also that Fiji had not responded to its invitation to participate in the meeting and to furnish relevant information.

429. The Committee expressed concern at reports of institutionalized forms of racial discrimination and of the potential for an increase in ethnic tension on the territory of the State Party. The Committee strongly recommends the submission of a comprehensive periodic report by the State Party to clarify these serious allegations and to reestablish a constructive dialogue.

430. The Committee suggested that the Government of Fiji avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting such a report drafted in accordance with the reporting guidelines.

Togo

431. At its 1165th meeting, held on 9 August 1996 (see CERD/C/SR.1165), the Committee reviewed the implementation of the Convention by Togo based upon its previous reports (CERD/C/75/Add.12) and its consideration by the Committee (see CERD/C/SR.924). The Committee noted with regret that no report had been submitted to the Committee since 1991.

432. The Committee regretted that Togo had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of the reporting State setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

433. The Committee, taking into account the seminar organized by the Centre for Human Rights on the preparation of reports to be submitted to human rights treaty bodies, in April 1996 in Lomé, invites the Government of Togo to submit its report as soon as possible.

Somalia

434. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by Somalia based upon its previous reports (CERD/C/88/Add.6) and its consideration by the Committee (see CERD/C/SR.728 and 1114). The Committee noted with regret that no report had been submitted to the Committee since 1984.

435. Noting that there is a complete breakdown of law and order and no effective government, the Committee decides that it will return to review the State Party's implementation of the International Convention once political stability has been re-established.

436. In the future the Government of Somalia may wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting an updated report drafted in accordance with the reporting guidelines.

Cape Verde

437. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by Cape Verde based upon its previous reports (CERD/C/86/Add.4) and its consideration by the Committee (see CERD/C/SR.662, 663, 949 and 952). The Committee noted with regret that no report had been submitted to the Committee since 1983.

438. The Committee regretted that Cape Verde had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Cape Verde setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

439. The Committee suggested that the Government of Cape Verde avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

Lesotho

440. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by Lesotho based upon its previous reports (CERD/C/90/Add.2) and its consideration by the Committee (see CERD/C/SR.608, 949 and 952). The Committee noted with regret that no report had been submitted to the Committee since 1982.

441. The Committee regretted that Lesotho had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Lesotho setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

442. The Committee suggested that the Government of Lesotho avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

Saint Vincent and the Grenadines

443. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by Saint Vincent and the Grenadines based upon its previous reports (CERD/C/85/Add.1) and its consideration by the Committee (see CERD/C/SR.652, 949 and 952). The Committee noted with regret that no report had been submitted to the Committee since 1983,

although it welcomed the submission by the State Party in 1993 of the initial part of its report (see HRI/CORE/1/Add.36).

444. The Committee regretted that Saint Vincent and the Grenadines had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Saint Vincent and the Grenadines setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

445. The Committee suggested that the Government of Saint Vincent and the Grenadines avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

Solomon Islands

446. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by the Solomon Islands based upon its previous report (CERD/C/101/Add.1) and its consideration by the Committee (see CERD/C/SR.635, 636, 949 and 952). The Committee noted with regret that no report had been submitted to the Committee since 1983.

447. The Committee regretted that the Solomon Islands had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of the Solomon Islands setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

448. The Committee suggested that the Government of the Solomon Islands avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of preparing and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

Botswana

449. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by Botswana based upon its previous reports (CERD/C/105/Add.1) and their consideration by the Committee (see CERD/C/SR.654, 949 and 952). Although the Committee noted with regret that no report had been submitted to the Committee since 1983, it welcomed the communication received from the State Party, indicating the commitment of the State Party to respect its obligations under the Convention and requesting the assistance of the Centre for Human Rights to prepare and submit a comprehensive periodic report.

450. The Committee decided that a communication should be sent to the Government of Botswana urging that the dialogue with the Committee should be resumed as soon as possible.

451. The Committee suggested that the Government of Botswana avail itself of the technical assistance offered under the advisory services and technical

assistance programme of the Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

Lao People's Democratic Republic

452. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by the Lao People's Democratic Republic based on that country's previous reports (CERD/C/105/Add.4) and the Committee's consideration thereof (see CERD/C/SR/707, 709, 949 and 952). The Committee noted with regret that no report had been submitted to it since 1984.

453. The Committee regretted that the Lao People's Democratic Republic had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided to send a letter to the Government of the Lao People's Democratic Republic setting out its reporting obligations under the Convention and urging it to resume the dialogue with the Committee as soon as possible.

454. The Committee suggested that the Government of the Lao People's Democratic Republic avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

455. The Committee recommended that the next report from the Lao People's Democratic Republic contain information constituting a detailed response to the concerns expressed by the Committee in 1992 when considering the situation in the country. 10/

Burkina Faso

456. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by Burkina Faso based upon its previous reports (CERD/C/105/Add.5) and its consideration by the Committee (see CERD/C/SR.711, 949 and 952). The Committee noted with regret that no report had been submitted to the Committee since 1984, although it welcomed the submission by the State Party in 1993 of the initial part of its report (see HRI/CORE/1/Add.30).

457. The Committee regretted that Burkina Faso had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of Burkina Faso setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should be resumed as soon as possible.

458. The Committee suggested that the Government of Burkina Faso avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

459. The Committee recommends that the next periodic report to be submitted by Burkina Faso provide comprehensive information responding to the concerns expressed by the Committee when it reviewed the situation in the State Party in 1992. 11/

Venezuela

460. The Committee considered the tenth, eleventh, twelfth and thirteenth periodic reports of Venezuela (CERD/C/263/Add.8/Rev.1) at its 1169th, 1170th and 1172nd meetings (see CERD/C/SR.1169, 1170 and 1172) held on 13, 14 and 15 August 1996 and, at its 1181st meeting, held on 21 August 1996, adopted the following concluding observations.

A. Introduction

461. The Committee commends the State Party on its willingness and readiness to maintain a dialogue with the Committee through submission of its report and expresses its appreciation to the State Party's delegation for the wealth of additional information that it provided to the Committee orally. It also notes with satisfaction the submission of the core document of Venezuela (HRI/CORE/1/Add.3). The Committee regrets, however, that the submission of the tenth, eleventh, twelfth and thirteenth periodic reports was not timely and that the report under consideration combines the tenth to thirteenth reports and covers almost a 10-year period.

462. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of making such a declaration be considered.

B. Factors and difficulties impeding the application of the Convention

463. It is noted that Venezuela is undergoing an economic recession after a period of strong economic development in the 1980s, and that this may have a negative impact on the effective implementation of the Convention, especially with regard to the indigenous population and immigrants from neighbouring countries of the Andean region for which Venezuela, with its much more prosperous economy, has represented a pole of attraction during the past three decades.

C. Positive aspects

464. The notable efforts made by the State Party to establish a comprehensive legal framework that provides for pluralism and tolerance in community life, based on the principles embodied in the Constitution, and provisions contained in the Convention in particular, are noted with satisfaction.

465. At the institutional level, the establishment of various organs, especially an agency for national indigenous policy, which has the title of the Office of Indigenous Affairs of the Ministry of Education, is welcomed.

466. The plan for intercultural bilingual education, contained in Presidential Decree No. 283, which aims to promote active participation by the indigenous

communities in the various fields of activities within Venezuelan society and to encourage full and comprehensive knowledge of the culture of existing ethnic groups among the rest of Venezuelan society, is noted with interest.

467. Satisfaction is expressed concerning the intention of the State Party to ratify International Labour Organization Convention No. 169 on the rights of indigenous peoples, which is now being considered by the national Parliament.

D. Principal subjects of concern

468. The non-compliance by the State Party with its obligations under article 4 of the Convention is a matter of serious concern, as is the fact that the State Party has not provided sufficient information on the implementation of the provisions contained in that article, which call for the adoption of specific legislation.

469. Doubts were expressed whether victims of racial discrimination have effective remedies at their disposal for seeking just and adequate reparation from the competent tribunals. It was noted, in particular, that Venezuela's legal system does not include any provisions for compensation of victims of racial discrimination, most of whom belong to various indigenous groups.

470. It was regretted that the report contains insufficient information on the practice with respect to the implementation of provisions of article 5 of the Convention dealing with economic, social and cultural rights, especially with respect to the enjoyment of those rights by the indigenous peoples.

471. Concern was expressed about the insufficient measures to ensure bilingual education of indigenous peoples and to prevent the destruction of their cultural heritage.

472. Concern is expressed that in practice there are separate prison facilities for persons of the indigenous population.

E. Suggestions and recommendations

473. The Committee strongly recommends that the necessary measures be taken to bring domestic legislation into full compliance with the provisions of article 4 of the Convention.

474. It further recommends that particular attention be given to the effective implementation of article 5 (e) and that relevant information be provided in the next periodic report on the measures taken in this regard, particularly as far as the indigenous population and migrant workers are concerned.

475. Further efforts should be made to strengthen the system of bilingual education in order to cover the whole of the indigenous population, 40 per cent of which remains illiterate, and to prevent the destruction of the indigenous cultural heritage.

476. The Committee recommends that appropriate measures be taken to provide health-care services for indigenous communities, particularly those located in remote regions of the country.

477. The Committee recommends that the State Party provide additional information on the reasons for maintaining the system of separate prison facilities for members of the indigenous population and welcomes the fact that the State Party has indicated that increased public expenditure on prisons, to alleviate overcrowding and resulting problems, has been given priority.

478. The Committee also recommends that the State Party, in its fourteenth periodic report, provide more detailed information on the system of human rights organs functioning in the country, on their respective mandates and on how those organs interact and coordinate their activities. Information on the extent to which the Government cooperates with non-governmental organizations in achieving the goals set out in the Convention would be most welcome.

479. The Committee would appreciate receiving information from the State Party on the implementation of the Agrarian Reform Law and how it has promoted distribution of land among indigenous populations.

480. Information on racially motivated violence against indigenous people following conflicts over land and extrajudicial execution of members of indigenous populations would be highly welcome.

481. The Committee also recommends that the State Party include in its next periodic report information on any complaints of racial or ethnic discrimination, in all its forms, and on judicial action subsequently taken.

482. The Committee suggests that the State Party ensure the wide dissemination of the text of the Convention, as well as of the report, the summary records and the present concluding observations in Spanish and in indigenous languages.

483. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the 14th meeting of States Parties.

484. The Committee draws the State Party's attention to the reporting periodicity as determined by the Committee. It strongly recommends that the Government of Venezuela comply fully with its obligations under article 9 of the Convention and that the fourteenth report, which was due on 5 January 1996, be an updating report.

Namibia

485. The Committee considered the fourth, fifth, sixth and seventh periodic reports of Namibia, submitted in one document (CERD/C/275/Add.1), at its 1169th and 1170th meetings (CERD/C/SR.1169-1170), held on 13 and 14 August 1996. At its 1180th meeting, on 21 August 1996, the Committee adopted the following concluding observations.

A. Introduction

486. The Committee particularly welcomes the opportunity to engage in a frank and fruitful dialogue with the Government of Namibia and expresses its satisfaction at the presence of an official of the Ministry of Justice. Although several reports were submitted in the past on behalf of Namibia by the Council for Namibia, the consideration of the present report - which may well be considered as an initial report - constitutes the first opportunity for the

Committee to assess the implementation of the Convention in Namibia since its independence.

487. The Committee commends the State Party for the frankness of the report and notes with appreciation its general compliance with the guidelines for the preparation of State Party reports. Despite its brevity, the report contains useful information on legal and administrative measures taken to give effect to the Convention, as well as on some difficulties faced in the implementation process. Those difficulties were, however, described in broad terms without details of the concrete steps envisaged to overcome them. Furthermore, the report was lacking economic, social and demographic indicators that would have assisted the Committee in the evaluation of the situation.

488. The Committee expresses its satisfaction with the additional information provided by the representative of the State Party in response to questions asked and observations made by Committee members in the course of the discussion. In that respect, the statement by the State Party's representative that the core document containing information referred to in the guidelines concerning the initial part of reports of States Parties would be submitted in the near future was particularly welcomed.

489. Some members of the Committee recommend that the State Party envisage the possibility of making the declaration provided for in article 14 of the Convention.

E. Factors and difficulties impeding the implementation of the Convention

490. It is recognized that much remains to be done to overcome vestiges of a long period of subjection to colonialism and apartheid. The State Party's efforts towards full enforcement of the principles and provisions enshrined in the Convention have been seriously hampered by continuing resort to a number of out-of-date - although still in force - discriminatory laws of the former Government. It is also noted that some discriminatory social attitudes still prevalent and generally tolerated in certain parts of the population are not conducive to the promotion of the implementation of the Convention.

C. Positive aspects

491. It is noted with particular satisfaction that, despite severe economic and social difficulties, important steps have been taken by the Government since independence to put an end to racial discrimination in all its forms, notably through a remarkable policy of national reconciliation.

492. It is noted with appreciation that the Constitution of Namibia includes a bill of rights which can be invoked before the Courts. Furthermore, the Racial Discrimination Prohibition Amendment Act was adopted in December 1991 and subsequent legislative measures were passed to reinforce it, such as the Land Redistribution Act and the Agricultural Reform Act. Through these constitutional and legislative provisions, certain acts of discrimination and practices of apartheid have been made criminally punishable.

493. It is also appreciated that serious efforts are being undertaken by the Master of the High Court, the Law Reform and Development Commission and the Ministry of Justice to amend or repeal out-of-date or discriminatory legal

provisions. Note is taken of the establishment under the Constitution of the office of the Ombudsman with a view to the promotion and protection of human rights.

494. The policy of affirmative action in areas such as education, training and employment is particularly welcomed.

D. Principal subjects of concern

495. Concern is expressed at the subsistence of out-of-date and discriminatory laws and the persistence of practices inherited from the apartheid regime.

496. Concern is expressed at the fact that, despite affirmative measures taken to eliminate social and economic disparities, black people and mixed race people (coloureds) who comprise 95 per cent of the population, still face serious discrimination in many areas, such as access to property, education, employment, health care or housing.

497. Concern is expressed over the persistence of a dual legal system regulating important aspects of personal status, such as marriage and succession. In that regard, it is noted with concern that there remain serious discrepancies in the system applicable to white, coloured and black people under the Administration of Estate Act.

498. Concern is expressed at the extent of persistent discriminatory attitudes still prevalent in certain parts of the population and the private sector, as well as at the insufficient effectiveness of measures taken to overcome those difficulties. It is further noted with concern that there seem to exist instances of discrimination in the public sector on the grounds of ethnic identity.

499. Concern is expressed at the lack of information in the report relating to the implementation in law and practice of article 5 of the Convention, as well as on the situation of vulnerable groups, particularly the San/Bushmen.

500. Concern is expressed about apparent delays in the process of desegregation in the field of education, as well as the persistence of serious difficulties faced by black children in their access to public and private education, particularly insofar as secondary and higher education are concerned.

E. Suggestions and recommendations

501. The Committee invites the Government to include in its next periodic report information on the points raised in the present concluding observations, as well as on remaining questions posed and observations made by Committee members in the course of the discussion.

502. The Committee recommends that urgent measures be taken to eliminate all remaining discriminatory laws and practices. It encourages the State Party to strengthen measures taken to foster a culture that effectively protects human rights by disseminating as widely as possible information on the international human rights instruments to which it is party and on the outcome of the consideration of the present report, among the authorities responsible for the enforcement of the Convention's provisions, as well as among the general public.

503. The Committee recommends that additional steps be taken to combat racial discrimination in the fields of property, land distribution, education, housing, employment, health care and equitable distribution of resources. Affirmative measures should thus be adopted to overcome vestiges of the past that still hamper the possibilities for black people, including vulnerable groups among them, to have access to secondary and higher education and to enjoy just and favourable conditions of work in the private sector. Similarly, additional measures should be taken in the field of land redistribution.

504. The Committee encourages efforts currently under way by the Master of the High Court and the Law Reform and Development Commission to revise the dual system governing marriage and inheritance. More generally, a systematic study of the domestic law should be undertaken to ensure its full compliance with the provisions of the Convention.

505. The Committee recommends that the State Party provide, in its next periodic report, information on the number of complaints filed and judgements passed on acts of racism or racial discrimination.

506. The Committee suggests that publicity be given to the State Party's seventh periodic report, as well as to the present concluding observations.

507. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the fourteenth meeting of States Parties.

508. The Committee recommends that the State Party's next periodic report be an updating report and that it address all the points raised in these concluding observations.

Zaire

509. At its 1171st and 1173rd meetings, held on 14 and 15 August 1996 (see CERD/C/SR.1171 and 1173), the Committee on the Elimination of Racial Discrimination considered the third to ninth, as well as the tenth, periodic reports of Zaire (CERD/C/237/Add.2 and CERD/C/278/Add.1) and adopted, at its 1181st meeting, held on 21 August 1996, the following concluding observations.

A. Introduction

510. The Committee welcomes the opportunity to resume the dialogue with Zaire on the basis of its third to ninth and tenth periodic reports, after an interruption of 16 years. However, the Committee regrets that the reports contain no concrete information as regards the practical implementation of the provisions of the Convention, as requested in the general guidelines regarding the form and content of reports to be submitted by the States Parties under article 9, paragraph 1, of the Convention.

511. The Committee also welcomes the presence of a representative of the State Party, but would have appreciated experts from the capital being present in addition. The commitment that the questions which remained unanswered during the discussion would be the object of written answers from the capital in the near future is welcomed.

512. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention. Some members requested the State Party to consider the possibility of making such a declaration.

B. Factors and difficulties impeding the implementation of the Convention

513. It is noted that Zaire is experiencing a severe economic crisis, which has led to the general impoverishment of the country and the deterioration of social and economic conditions. Moreover, the ethnic tensions in the Great Lakes region and the very high number of refugees from neighbouring countries who have come to Zaire during the past two years have to be taken into account in assessing the implementation of the Convention by the State Party.

C. Positive aspects

514. The transition towards democracy, inaugurated by a decision of the Head of State on 24 April 1990, and the abolition of the one-party system are welcome developments. Note has been taken by the Committee of the timetable set by the authorities after the postponement of the general elections of 9 July 1995, in accordance with which a referendum on the new Constitution would be held in March 1997 and general elections would be held in May 1997.

515. The adoption on 9 April 1994, by a national conference composed of the main organized political forces in the country, of the Transitional Constitutional Act ("Acte constitutional de la transition"), in which a number of fundamental rights are enshrined, as well as the establishment by decree of the National Commission for the Promotion of Human Rights on 8 May 1995, are noted with satisfaction, although more information on the powers and functions of the Commission is needed.

516. The adoption on 28 November 1995, by the Heads of States of the Great Lakes region, of the Cairo Declaration on the Great Lakes region, which condemns the ideology of exclusion which can result in fear, frustration, hatred and tendencies towards extermination and genocide, as well as their commitment to put an end to the activities of the former members of the Rwandan Armed Forces (FAR), who use refugee camps in Zaire as a "base" to conduct raids against civilians in Rwanda, are welcomed. However, more information on the concrete measures taken to implement these declarations is needed.

517. It is noted with appreciation that legislation exists in Zaire to prohibit the promotion of racial discrimination as required by article 4 of the Convention, such as Ordinance-Laws No. 25/131 of 1960 and 66/342 of 1966 and the Decree of 13 June 1960, although it is noted that the provisions of article 4 are much broader than that of the present Zairian legislation, in particular with regard to article 4 (b) and (c).

518. It is also noted with appreciation that a number of the rights enumerated in article 5 of the Convention, namely the right to equal treatment before tribunals, to security of person, to vote and to stand for elections, to freedom of movement, thought, conscience and religion, and to peaceful assembly and association, as well as certain economic and social rights, are included in the Constitutional Act. The information provided in the report on the legal provisions relating to those rights is welcomed, although it is noted that there is a lack of information regarding practical instances of their implementation.

519. Taking into account the particularly serious situation in Zaire with regard to inter-ethnic, tribal and regional tensions, the Committee welcomes the signature of an agreement between the Zairian authorities and the Office of the High Commissioner for Human Rights to establish a United Nations human rights office in Kinshasa.

D. Principal subjects of concern

520. Grave concern is expressed at allegations of large-scale discrimination against the Pygmies (Batwa) and at reports of violent clashes in Kivu involving the Hunde, the Nyanga and the Nande ethnic groups (considered to be natives of Zaire), and the Banyarwanda and the Banaymulengue ethnic groups (considered to be non-natives of Zaire, although they have lived in the country for generations), causing thousands of deaths. Reports of alleged regional "ethnic cleansing" in Shaba against the Kasai ethnic group, which led to their massive displacement to other parts of the country, and of attacks and widespread discrimination against Rwandan and Burundian refugees, are also a subject of great concern for the Committee.

521. The lack of statistical data on the composition of the population and on the representation of the various communities at all economic, social and political levels and in the public service, including the police and the armed forces, is regretted.

522. It is also regretted that, although the constitutional and legislative provisions existing in Zaire to implement article 2 of the Convention were described in the State Party's reports, no information was provided to the Committee on the effective implementation of these provisions by the authorities and on possible cases of discrimination brought before the courts.

523. With regard to article 3 of the Convention, the Committee draws the attention of the State Party to its General Recommendation XIX of 1995, which states that although the reference to apartheid may have been directed exclusively to South Africa in the past, article 3 prohibits all forms of racial segregation, whether institutional or non-institutional, in all countries.

524. It is noted with serious concern that, in violation of their obligations under article 5 (b) of the Convention and article 9 of the Constitutional Act, the authorities scarcely intervened to ease the tribal and ethnic conflicts in Shaba and Kivu and to protect the population. Concern is particularly expressed at reports alleging that in Shaba some local officials incited the Shaba population to hatred of the Kasai population. It is, however, duly noted that administrative and judicial measures have been taken by the authorities to punish some of the officials found responsible for such acts.

525. The provisions of Law No. 81-002 of 1981, amending Decree-Law No. 71-020 of 1971, to the effect that Zairian nationality would no longer be granted on a collective basis to the Banyarwanda, but only to those who could prove that their ancestors had lived in Zaire since 1885, are in violation of article 5 (d) (iii) of the Convention and are a major source of ethnic conflict.

526. With regard to the full and equal enjoyment of the right to education and training, as provided for in article 5 (e) and (v), of the Convention, reports indicate that only 2 per cent of the national budget was earmarked for education which affects the life and future of disadvantaged racial and ethnic sectors of the population.

527. The lack of comprehensive information on legal measures taken to fulfil the State Party's obligations under article 6 of the Convention and on instances where complaints have been lodged by individuals against acts of racial discrimination and reparation was made to victims of acts of racial discrimination, makes it difficult to assess the effective implementation of the provisions of this article in Zaire.

528. With regard to the implementation of article 7 of the Convention, it is regretted that the information provided on the implementation of article 35 of the Constitutional Act and on the courses on human rights given in schools, universities and training programmes for the armed forces and the security forces did not allow a proper evaluation of the situation in practice.

E. Suggestions and recommendations

529. The Committee recommends the State Party to provide in its next report information on the implementation of the various constitutional and legal provisions aimed at eliminating racial discrimination in all its forms, in accordance with article 2 of the Convention, with particular emphasis on the measures taken with regard to the conflicts in Kivu and Shaba and the situation of Rwandan and Burundian refugees.

530. The Committee recommends that the next periodic report include information on the powers, functions and activities of the National Commission for the Promotion of Human Rights, as well as comprehensive statistical data on the demographic composition of the population, as mentioned in paragraph 521 above.

531. The Committee also recommends that information be provided on the legal, administrative and practical measures taken to implement the Cairo Declaration on the Great Lakes region and the commitment undertaken to prevent raids by former members of FAR into Rwanda from Zaire.

532. Concerning article 4 of the Convention, the Committee reaffirms that the establishment of acts of racial discrimination and incitement to such acts as offences punishable by law in the States Parties' legislation is mandatory. In this regard, it draws the attention of the authorities to its General Recommendations VII and XV. The Committee also wishes to be provided with information, including statistics on complaints filed and sentences imposed, to have an idea of the implementation in practice of the legal provisions prohibiting propaganda of racial discrimination or hatred and organizations which promote and incite racial discrimination.

533. The Committee recommends that further information be provided by the State Party with regard to article 5 of the Convention, in particular on measures guaranteeing in practice the effective enjoyment by all persons without discrimination as to race or ethnic origin of the economic, social, cultural, civil and political rights listed in this article, with particular reference to the right to security of person and the right to education and training.

534. The Committee stresses the importance of specific legal provisions providing for effective protection and remedies against acts of racial discrimination and for the right of individuals to seek adequate reparation for any damage suffered as a result of such discrimination, as provided for in article 6 of the Convention.

535. With regard to article 7 of the Convention, the Committee would welcome information on the various programmes described in the report aimed at spreading awareness of human rights among the population, and in particular among law enforcement officials, including members of the armed and security forces. In this regard, the Committee draws the attention of the State Party to its General Recommendation XIII.

536. The Committee suggests that the third to ninth and tenth reports of Zaire, as well as the present concluding observations, be widely disseminated among the public, as far as possible in the main languages spoken in the country.

537. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the fourteenth meeting of States Parties.

538. The Committee recommends that the State Party's next periodic report, due on 21 May 1997, be a comprehensive report and that it address all the points raised in these concluding observations.

Mauritius

539. At its 1173rd and 1174th meetings, held on 15 and 16 August 1996 (see CERD/C/SR.1173-1174), the Committee on the Elimination of Racial Discrimination considered the eighth to twelfth periodic reports on Mauritius (CERD/C/280/Add.2) and adopted, at its 1180th meeting, held on 21 August 1996, the following concluding observations.

A. Introduction

540. The Committee welcomes the eighth to twelfth periodic reports submitted by the Government of Mauritius and expresses its appreciation for the opportunity to resume the dialogue with the State Party, after nine years of interruption. The Committee also welcomes the detailed information provided orally by the high-level delegation in answer to the wide range of questions asked by members of the Committee.

541. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested the State Party to consider the possibility of making such a declaration.

B. Factors and difficulties impeding the implementation of the Convention

542. It is noted that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Mauritius.

C. Positive aspects

543. The exemplary spirit of tolerance between the various racial and ethnic communities in Mauritius and the harmonious coexistence of their cultures are commended as they create a sound basis for the full and effective implementation of the Convention.

544. The establishment of a Human Rights Unit within the Ministry of Justice, to monitor the reporting procedures and to provide the various human rights treaty bodies with regular reports, is welcomed.

545. The proposed establishment of an equal opportunity commission, to compel employers in the private sector to afford equal opportunities to people of different origins, is also welcomed.

546. The possibility for judges to refer in their pronouncements to the provisions of the Convention and of any other human rights instrument, in addition to or in the absence of an existing provision of domestic law, is noted with satisfaction.

547. The system of the best losers, which provides for the nomination by the Electoral Commission of up to four members to the National Assembly from among the best losers in an election, with a view to balancing the representation of the various racial and ethnic communities within the National Assembly, is viewed with interest.

548. With regard to article 2 of the Convention, the adoption in July 1991 of section 282 of the Criminal Code, which makes it an offence to publish or distribute any threatening, abusive or insulting writings, to use in public any threatening, abusive or insulting gestures or to broadcast threatening, abusive or insulting matter, with intent to stir up contempt or hatred against any part of the population distinguished by race, caste, place of birth, colour or creed, is noted with appreciation.

549. It is noted with appreciation that the full and equal enjoyment by everyone of the rights enumerated in article 5 of the Convention, and in particular the right to security of person, to marriage, to property, to freedom of thought, conscience and religion, to housing, to health and social security, to education and to participate in cultural activities, is guaranteed and ensured in Mauritius.

550. The amendment of the Citizenship Act in August 1995 is a welcome development, since it also lifted the obligation for foreign women, married to Mauritian citizens, to renounce their nationality if they want to become Mauritian citizens.

551. Concerning article 7 of the Convention, the various activities undertaken with non-governmental organizations, such as the programme "Teaching for Freedom" launched by Amnesty International, or with United Nations agencies, such as the programme introduced by UNICEF together with the Ministry of Education to sensitize children to the ideas of peace, tolerance and interdependence, are welcomed. Moreover, the elaboration in 1991 of the Master Plan on Education for the Year 2000, which provides for the teaching in schools of subjects to foster understanding, tolerance and friendship among nations and racial or ethnic groups, is noted with satisfaction.

D. Principal subjects of concern

552. The lack of statistical data on the ethnic and racial composition of the population, and on the representation of ethnic and racial communities at all levels of the economic, social and political spheres, is regretted. In this regard, the statement in paragraph 4 of the report that censuses in Mauritius do not indicate the breakdown of the population on an ethnic or racial basis, "in

line with the government policy to promote a Mauritian identity amongst its people" is accepted by the Committee as long as it is not aimed at forced assimilation of people with different origins.

553. Concern is expressed that section 16 of the Constitution, which prohibits laws that are discriminatory by their terms or in their effects, does not apply to laws with respect to marriage, adoption, divorce, succession or other matters regarding private law.

554. With regard to the implementation of article 4 of the Convention, it is noted with concern that the relevant provisions of Mauritian legislation do not prohibit organizations and organized propaganda activities which promote racial discrimination, as provided for in article 4 (b) of the Convention.

555. The lack of practical information on the implementation of the various constitutional and legal texts dealing with the prohibition of racial discrimination, on their possible violation and on measures taken in such cases, with particular reference to articles 4 and 6 of the Convention, is regretted.

E. Suggestions and recommendations

556. The Committee recommends that in its next periodic report the Government of Mauritius supply statistical data on the composition of the population and on the representation of all of the ethnic and racial communities in the political and economic sectors. The Committee would also welcome social and economic indicators on the Mauritian population.

557. The Committee underlines the importance of the explicit prohibition of discriminatory legislation. In this regard, the Committee recommends that the prohibition of such discriminatory legislation, found in section 16 of the Constitution, be extended to all matters of private law.

558. The Committee emphasizes that the provisions of article 4 of the Convention are mandatory. It thus recommends that legislative measures be taken to implement article 4 (b) of the Convention.

559. The Committee recommends that the next periodic report contain complete information on the implementation of the various provisions on the elimination of racial discrimination in practice and on possible complaints and sentences imposed for acts of racial or ethnic discrimination or in cases of incitement to racial discrimination.

560. The Committee suggests that the State Party's report and the Committee's concluding observations be widely publicized in Mauritius.

561. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6 of the Convention, adopted by the fourteenth meeting of States Parties.

562. The Committee recommends that the State Party's next periodic report be a comprehensive report and that it address all the points raised in the present observations.

IV. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION

563. Under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State Party and who have exhausted all available domestic remedies may submit written communications to the Committee on the Elimination of Racial Discrimination for consideration. A list of States Parties which have recognized the competence of the Committee to consider such communications can be found in annex I B to the present report.

564. Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the Parties and other working documents of the Committee) are confidential.

565. The Committee began its work under article 14 of the Convention at its thirtieth session, in 1984. At its thirty-sixth session (August 1988), the Committee adopted its opinion on communication No. 1/1984 (Yilmaz-Dogan v. the Netherlands). 12/ At its thirty-ninth session, on 18 March 1991, the Committee adopted its opinion on communication No. 2/1989 (Demba Talibe Diop v. France). 13/ At its forty-second session, on 16 March 1993, the Committee, acting under rule 94, paragraph 7, of its rules of procedure, declared admissible and adopted its opinion on communication No. 4/1991 (L. K. v. the Netherlands). 14/ At its forty-fourth session, on 15 March 1994, the Committee adopted its opinion on communication No. 3/1991 (Michel L. N. Narrainen v. Norway). 15/ At its forty-sixth session (March 1995), the Committee declared inadmissible communication No. 5/1994 (C. P. v. Denmark). 16/

566. Under article 14, paragraph 8, of the Convention, the Committee shall include in its annual report a summary of the communications considered by it and of the explanations and statements of the States Parties concerned, together with the Committee's own suggestions and recommendations thereon. This reporting stage had not been reached in respect of communications Nos. 6/1995 and 7/1995, which were placed before the Committee at its forty-seventh session in August 1995 and sent to the State Party concerned under rule 92 of the Committee's rules of procedure. While communication No. 7/1995 was considered during the Committee's forty-ninth session, the Committee decided to request additional information from the State Party and defer a decision to the fiftieth session. Consideration of case No. 6/1995 was postponed to the fiftieth session. Communication No. 8/1996 was placed before the Committee at its forty-ninth session and sent to the State Party concerned under rule 92 of the Committee's rules of procedure.

V. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

567. Under article 15 of the Convention, the Committee is empowered to consider copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the competent bodies of the United Nations, and to submit to them and to the General Assembly its expressions of opinion and recommendations relating to the principles and objectives of the Convention in these territories.

568. At its 1995 session, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples continued to follow the work of the Committee on the Elimination of Racial Discrimination. The Special Committee also continued to monitor related developments in the Territories, having regard to the relevant provisions of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination. 17/

569. As a result of earlier decisions of the Trusteeship Council and the Special Committee, the Secretary-General transmitted to the Committee at its forty-eighth session the documents listed in annex V to the present report.

570. At its 1155th meeting, the Committee decided to take note of the relevant documentation and information submitted to it under article 15 of the Convention and to make the following observations:

> "The Committee once again finds it impossible to fulfil its functions under article 15, paragraph 2 (a) of the Convention, owing to the total absence of any copies of petitions as provided therein. Furthermore, the Committee found that there was no valid information concerning legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention and, therefore, reiterates its request that it be furnished with the material expressly referred to in article 15 of the Convention so that it will be able to fulfil its functions."

VI. ACTION BY THE GENERAL ASSEMBLY AT ITS FIFTIETH SESSION

571. The Committee considered this item at its forty-eighth session. For its consideration of the item, the Committee had before it the following documents:

(a) General Assembly resolution 50/137, entitled "Report of the Committee on the Elimination of Racial Discrimination";

(b) General Assembly resolution 50/170, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights";

(c) Note by the Secretary-General transmitting to the General Assembly the report of the sixth meeting of persons chairing the human rights treaty bodies (A/50/505);

(d) Report of the United Nations High Commissioner for Human Rights on the implementation of human rights instruments (A/50/36);

(e) Relevant summary records of the Third Committee (A/AC.3/50/SR.3-8 and 18);

(f) Note by the Secretary-General transmitting a communication from the Committee to the sixteenth meeting of States Parties (CERD/SP/56);

(g) Summary record of the sixteenth meeting of States Parties to the International Convention on the Elimination of Racial Discrimination (CERD/SP/SR.25).

A. Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention

572. The Rapporteur of the Committee indicated that the General Assembly had given increased attention to the consideration of the Committee's annual report, and in particular to its role in promoting racial tolerance. The Committee's early-warning measures and urgent procedures had received particular encouragement in General Assembly resolution 50/137.

573. The Committee noted that its cooperation with the Subcommission on Prevention of Discrimination and Protection of Minorities and with the Special Rapporteurs of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and on the situation of human rights in the territory of the former Yugoslavia had been commended by the General Assembly. The Committee welcomed the fact that its contribution to the implementation of the Third Decade to Combat Racism and Racial Discrimination Committee had also been commended by the General Assembly. Committee members noted that the General Assembly had urged the Committee not to confine itself to the strict terms of the Convention, but to be forward-looking and to keep abreast of the times. In that regard, the Committee noted the wish expressed by the General Assembly that, where circumstances so warranted, the Committee should continue to adopt such practices as good-offices missions.

574. The Committee members welcomed the General Assembly's encouragement to States which had not yet done so to ratify the Convention, as well as its

support for ratification by States Parties of the amendments to article 8, paragraph 6, of the Convention, concerning the funding of the Committee.

B. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

575. In its discussion of the report of the sixth meeting of persons chairing the human rights treaty bodies (A/50/505), the Committee noted that emphasis was focused on the integration of gender perspectives in the various committees' working methods and on the recent increase in the number and breadth of reservations made by States Parties upon ratification of certain treaties, which tended to undermine the letter and the spirit of human rights treaties. The Committee welcomed the support expressed by the United Nations High Commissioner for Human Rights for the early-warning measures and urgent procedures developed by the treaty bodies and for the coordination of all human rights activities within the United Nations system.

576. In its discussion of General Assembly resolution 50/170 on the effective implementation of international instruments on human rights, the Committee noted with great satisfaction that the General Assembly had emphasized the necessity at ensuring sufficient funding, adequate staff and information resources for the operations of the human rights treaty bodies. The Committee also noted that the General Assembly attached great importance to the improvement of reporting procedures, in particular, by urging the treaty bodies and the meetings of persons chairing the human rights treaty bodies to examine ways to reduce the duplication of reporting required under the different human rights instruments. It was suggested that duplication could be reduced through identifying where cross-referencing could be used in report writing, by considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored and thematic reports.

VII. SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

A. Reports received by the Committee

577. At its thirty-eighth session in 1988, the Committee decided to accept the proposal of the States Parties that States Parties submit a comprehensive report every four years and a brief updating report in the two-year interim. Table 1 lists reports received from 18 August 1995 to 23 August 1996.

Table 1. Reports received during the period under review (18 August 1995-23 August 1996)

State Party	Type of report	Date on which the report was due	Document number
Algeria	Eleventh report	15 March 1993	CERD/C/280/Add.3
	Twelfth report	15 March 1995	
Belarus	Fourteenth report	8 May 1996	CERD/C/299/Add.8
Belgium	Ninth report	6 September 1992	CERD/C/260/Add.2
	Tenth report	6 September 1994	
Brazil	Tenth report	5 January 1988	CERD/C/263/Add.10
	Eleventh report	5 January 1990	
	Twelfth report	5 January 1992	
	Thirteenth report	5 January 1994	
Bulgaria	Twelfth report	5 January 1992	CERD/C/299/Add.7
	Thirteenth report	5 January 1994	
	Fourteenth report	5 January 1996	
China	Fifth report	28 January 1991	CERD/C/275/Add.2
	Sixth report	28 January 1993	
	Seventh report	28 January 1995	
Germany	Thirteenth report	15 June 1994	CERD/C/299/Add.5
Guatemala	Seventh report	17 February 1996	CERD/C/292/Add.1
Iceland	Fourteenth report	5 January 1996	CERD/C/299/Add.4
India	Tenth report	5 January 1988	CERD/C/299/Add.3
	Eleventh report	5 January 1990	
	Twelfth report	5 January 1992	
	Thirteenth report	5 January 1994	
	Fourteenth report	5 January 1996	
Iraq	Eleventh report	15 February 1991	CERD/C/240/Add.3
	Twelfth report	15 February 1993	
	Thirteenth report	15 February 1995	

State Party	Type of report	Date on which the report was due	Document number
Luxembourg	Ninth report	31 May 1995	CERD/C/277/Add.2
Malta	Tenth report	26 June 1990	CERD/C/262/Add.4
	Eleventh report	26 June 1992	
	Twelfth report	26 June 1994	
Mauritius	Eighth report	29 June 1987	CERD/C/280/Add.2
	Ninth report	29 June 1989	
	Tenth report	29 June 1991	
	Eleventh report	29 June 1993	
	Twelfth report	29 June 1995	
Mexico	Eleventh report	22 March 1996	CERD/C/296/Add.1
Namibia	Fourth report	11 December 1989	CERD/C/275/Add.1
	Fifth report	11 December 1991	
	Sixth report	11 December 1993	
	Seventh report	11 December 1995	
Panama	Tenth report	5 January 1988	CERD/C/299/Add.1
	Eleventh report	5 January 1990	
	Twelfth report	5 January 1992	
	Thirteenth report	5 January 1994	
	Fourteenth report	5 January 1996	
Pakistan	Tenth report	5 January 1988	CERD/C/299/Add.6
	Eleventh report	5 January 1990	
	Twelfth report	5 January 1992	
	Thirteenth report	5 January 1994	
	Fourteenth report	5 January 1996	
Republic of Korea	Eighth report	4 January 1994	CERD/C/258/Add.1
Russian Federation	Twelfth report	5 March 1992	CERD/C/263/Add.9
	Thirteenth report	5 March 1994	
Spain	Thirteenth report	5 January 1994	CERD/C/263/Add.5
Swaziland	Fourth report	6 May 1976	CERD/C/299/Add.2
	Fifth report	6 May 1978	
	Sixth report	6 May 1980	
	Seventh report	6 May 1982	
	Eighth report	6 May 1984	
	Ninth report	6 May 1986	
	Tenth report	6 May 1988	
	Eleventh report	6 May 1990	
	Twelfth report	6 May 1992	
	Thirteenth report	6 May 1994	
	Fourteenth report	6 May 1996	

State Party	Type of report	Date on which the report was due	Document number
United Kingdom of Great Britain and Northern Ireland	Fourteenth report	6 April 1996	CERD/C/299/Add.9
Venezuela	Tenth report	5 January 1988	CERD/C/263/Add.8/Rev.1
	Eleventh report	5 January 1990	
	Twelfth report	5 January 1992	
	Thirteenth report	5 January 1994	
Zaire	Tenth report	21 May 1995	CERD/C/278/Add.1

B. Reports not yet received by the Committee

578. Table 2 lists reports which were due before the end of the forty-ninth session but which have not yet been received.

Table 2. Reports which were due before the closing date of the forty-ninth session (23 August 1996) but have not yet been received

State Party	Type of report	Date on which the report was due	Number of reminders sent
Afghanistan	Second report	18 May 1986	7
	Third report	18 May 1988	5
	Fourth report	18 May 1990	5
	Fifth report	18 May 1992	2
	Sixth report	18 May 1994	1
	Seventh report	18 May 1996	-
Albania	Initial report	10 June 1995	-
Antigua and Barbuda	Initial report	25 October 1989	2
	Second report	25 October 1991	2
	Third report	25 October 1993	1
	Fourth report	25 October 1995	-
Argentina	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
	Fourteenth report	5 January 1996	-
Armenia	Initial report	23 July 1994	-
	Second report	23 July 1996	-
Australia	Tenth report	30 October 1994	-
Austria	Eleventh report	8 June 1993	-
	Twelfth report	8 June 1995	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
Bahamas	Fifth report	5 August 1984	9
	Sixth report	5 August 1986	5
	Seventh report	5 August 1988	3
	Eighth report	5 August 1990	3
	Ninth report	5 August 1992	2
	Tenth report	5 August 1994	1
	Eleventh report	5 August 1996	-
Bahrain	Initial report	26 April 1991	1
	Second report	26 April 1993	1
	Third report	26 April 1995	-
Bangladesh	Seventh report	11 July 1992	1
	Eighth report	11 July 1994	1
	Ninth report	11 July 1996	-
Barbados	Eighth report	10 December 1987	5
	Ninth report	10 December 1989	5
	Tenth report	10 December 1991	2
	Eleventh report	10 December 1993	1
	Twelfth report	10 December 1995	-
Bolivia	Thirteenth report	22 October 1995	-
Bosnia and Herzegovina a/	Initial report	16 July 1994	-
	Second report	16 July 1996	-
Botswana	Sixth report	22 March 1985	9
	Seventh report	22 March 1987	6
	Eighth report	22 March 1989	4
	Ninth report	22 March 1991	3
	Tenth report	22 March 1993	1
	Eleventh report	22 March 1995	-
Burkina Faso	Sixth report	18 August 1985	8
	Seventh report	18 August 1987	4
	Eighth report	18 August 1989	4
	Ninth report	18 August 1991	2
	Tenth report	18 August 1993	1
	Eleventh report	18 August 1995	-
Burundi	Seventh report	26 November 1990	1
	Eighth report	26 November 1992	1
	Ninth report	26 November 1994	-
Cambodia	Second report	28 December 1986	6
	Third report	28 December 1988	5
	Fourth report	28 December 1990	2
	Fifth report	28 December 1992	1
	Sixth report	28 December 1994	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
Cameroon	Tenth report	24 July 1990	2
	Eleventh report	24 July 1992	2
	Twelfth report	24 July 1994	1
	Thirteenth report	24 July 1996	-
Canada	Thirteenth report	15 November 1995	-
Cape Verde	Third report	2 November 1984	9
	Fourth report	2 November 1986	6
	Fifth report	2 November 1988	4
	Sixth report	2 November 1990	3
	Seventh report	2 November 1992	1
	Eighth report	2 November 1994	-
Central African Republic	Eighth report	14 April 1986	7
	Ninth report	14 April 1988	5
	Tenth report	14 April 1990	5
	Eleventh report	14 April 1992	2
	Twelfth report	14 April 1994	1
	Thirteenth report	14 April 1996	-
Chile	Eleventh report	20 November 1992	1
	Twelfth report	20 November 1994	-
Congo	Initial report	10 August 1989	2
	Second report	10 August 1991	2
	Third report	10 August 1993	1
	Fourth report	10 August 1995	-
Costa Rica	Twelfth report	5 January 1992	1
	Thirteenth report	5 January 1994	1
	Fourteenth report	5 January 1996	-
Côte d'Ivoire	Fifth report	4 February 1982	14
	Sixth report	4 February 1984	10
	Seventh report	4 February 1986	6
	Eighth report	4 February 1988	3
	Ninth report	4 February 1990	3
	Tenth report	4 February 1992	2
	Eleventh report	4 February 1994	1
	Twelfth report	4 February 1996	-
Croatia b/	Initial report	8 October 1992	1
	Second report	8 October 1994	1
Cuba	Tenth report	16 March 1991	1
	Eleventh report	16 March 1993	1
	Twelfth report	16 March 1995	-
Cyprus	Fourteenth report	4 January 1996	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
Czech Republic	Initial report	1 January 1994	-
	Second report	1 January 1996	-
Dominican Republic	Fourth report	24 June 1990	2
	Fifth report	24 June 1992	2
	Sixth report	24 June 1994	1
	Seventh report	24 June 1996	-
Ecuador	Thirteenth report	5 January 1994	-
	Fourteenth report	5 January 1996	-
Egypt	Thirteenth report	5 January 1994	-
	Fourteenth report	5 January 1996	-
Estonia	Initial report	20 November 1992	-
	Second report	20 November 1994	-
Ethiopia	Seventh report	25 July 1989	2
	Eighth report	25 July 1991	2
	Ninth report	25 July 1993	1
	Tenth report	25 July 1995	-
Fiji	Sixth report	11 January 1984	9
	Seventh report	11 January 1986	5
	Eighth report	11 January 1988	3
	Ninth report	11 January 1990	3
	Tenth report	11 January 1992	2
	Eleventh report	11 January 1994	1
	Twelfth report	11 January 1996	-
Finland	Thirteenth report	13 August 1995	-
France	Twelfth report	27 August 1994	-
Gabon	Second report	30 March 1983	11
	Third report	30 March 1985	7
	Fourth report	30 March 1987	4
	Fifth report	30 March 1989	3
	Sixth report	30 March 1991	2
	Seventh report	30 March 1993	1
	Eighth report	30 March 1995	-
Gambia	Second report	28 January 1982	14
	Third report	28 January 1984	10
	Fourth report	28 January 1986	6
	Fifth report	28 January 1988	3
	Sixth report	28 January 1990	3
	Seventh report	28 January 1992	2
	Eighth report	28 January 1994	1
	Ninth report	28 January 1996	-
Ghana	Twelfth report	5 January 1992	1
	Thirteenth report	5 January 1994	1
	Fourteenth report	5 January 1996	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
Greece	Twelfth report	7 August 1993	-
	Thirteenth report	7 August 1995	-
Guinea	Second report	13 April 1980	17
	Third report	13 April 1982	13
	Fourth report	13 April 1984	9
	Fifth report	13 April 1986	4
	Sixth report	13 April 1988	3
	Seventh report	13 April 1990	3
	Eighth report	13 April 1992	2
	Ninth report	13 April 1994	1
	Tenth report	13 April 1996	-
Guyana	Initial report	17 March 1978	21
	Second report	17 March 1980	17
	Third report	17 March 1982	13
	Fourth report	17 March 1984	10
	Fifth report	17 March 1986	6
	Sixth report	17 March 1988	3
	Seventh report	17 March 1990	3
	Eighth report	17 March 1992	2
	Ninth report	17 March 1994	1
	Tenth report	17 March 1996	-
Haiti	Tenth report	18 January 1992	1
	Eleventh report	18 January 1994	1
	Twelfth report	18 January 1996	-
Holy See	Thirteenth report	5 January 1994	-
	Fourteenth report	5 January 1996	-
Hungary	Fourteenth report	4 January 1996	-
Iran (Islamic Republic of)	Thirteenth report	5 January 1994	-
	Fourteenth report	5 January 1996	-
Israel c/	Seventh report	2 February 1992	1
	Eighth report	2 February 1994	1
	Ninth report	2 February 1996	-
Italy	Tenth report	2 February 1995	-
Jamaica	Eighth report	5 July 1986	7
	Ninth report	5 July 1988	5
	Tenth report	5 July 1990	5
	Eleventh report	5 July 1992	2
	Twelfth report	5 July 1994	1
	Thirteenth report	5 July 1996	-
Jordan	Ninth report	30 June 1991	1
	Tenth report	30 June 1993	1
	Eleventh report	30 June 1995	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
Kuwait	Thirteenth report	5 January 1994	-
	Fourteenth report	5 January 1996	-
Lao People's Democratic Republic	Sixth report	24 March 1985	8
	Seventh report	24 March 1987	5
	Eighth report	24 March 1989	4
	Ninth report	24 March 1991	2
	Tenth report	24 March 1993	1
	Eleventh report	24 March 1995	-
Latvia	Initial report	14 May 1993	-
	Second report	14 May 1995	-
Lebanon	Sixth report	12 December 1982	12
	Seventh report	12 December 1984	8
	Eighth report	12 December 1986	5
	Ninth report	12 December 1988	3
	Tenth report	12 December 1990	2
	Eleventh report	12 December 1992	1
	Twelfth report	12 December 1994	-
Lesotho	Seventh report	4 December 1984	9
	Eighth report	4 December 1986	6
	Ninth report	4 December 1988	4
	Tenth report	4 December 1990	3
	Eleventh report	4 December 1992	1
	Twelfth report	4 December 1994	-
Liberia	Initial report	5 December 1977	21
	Second report	5 December 1979	17
	Third report	5 December 1981	13
	Fourth report	5 December 1983	10
	Fifth report	5 December 1985	6
	Sixth report	5 December 1987	3
	Seventh report	5 December 1989	3
	Eighth report	5 December 1991	2
	Ninth report	5 December 1993	1
Libyan Arab Jamahiriya	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
	Fourteenth report	5 January 1996	-
Madagascar	Tenth report	8 March 1988	5
	Eleventh report	8 March 1990	5
	Twelfth report	8 March 1992	2
	Thirteenth report	8 March 1994	1
	Fourteenth report	8 March 1996	-
Maldives	Fifth report	24 May 1993	-
	Sixth report	24 May 1995	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
Mali	Seventh report	15 August 1987	5
	Eighth report	15 August 1989	5
	Ninth report	15 August 1991	3
	Tenth report	15 August 1993	1
	Eleventh report	15 August 1995	-
Mauritania	Initial report	12 January 1990	2
	Second report	12 January 1992	2
	Third report	12 January 1994	1
	Fourth report	12 January 1996	-
Mongolia	Eleventh report	4 September 1990	1
	Twelfth report	4 September 1992	1
	Thirteenth report	4 September 1994	1
Morocco	Twelfth report	17 January 1994	-
	Thirteenth report	17 January 1996	-
Mozambique	Second report	18 May 1986	7
	Third report	18 May 1988	5
	Fourth report	18 May 1990	5
	Fifth report	18 May 1992	2
	Sixth report	18 May 1994	1
	Seventh report	18 May 1996	-
Nepal	Ninth report	1 March 1988	5
	Tenth report	1 March 1990	5
	Eleventh report	1 March 1992	2
	Twelfth report	1 March 1994	1
	Thirteenth report	1 March 1996	-
Netherlands	Tenth report	9 January 1991	1
	Eleventh report	9 January 1993	1
	Twelfth report	9 January 1995	-
New Zealand	Twelfth report	22 December 1995	-
Niger	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
	Fourteenth report	5 January 1996	-
Nigeria	Fourteenth report	4 January 1996	-
Norway	Twelfth report	6 September 1993	-
	Thirteenth report	6 September 1995	-
Papua New Guinea	Second report	25 February 1985	9
	Third report	25 February 1987	6
	Fourth report	25 February 1989	4
	Fifth report	25 February 1991	3
	Sixth report	25 February 1993	1
	Seventh report	25 February 1995	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
Peru	Twelfth report	30 October 1994	-
Philippines	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
	Fourteenth report	5 January 1996	-
Poland	Thirteenth report	5 January 1994	-
	Fourteenth report	5 January 1996	-
Portugal	Fifth report	23 September 1991	1
	Sixth report	23 September 1993	1
	Seventh report	23 September 1995	-
Qatar	Ninth report	16 May 1993	-
	Tenth report	16 May 1995	-
Republic of Moldova	Initial report	25 February 1994	-
	Second report	25 February 1996	-
Romania	Twelfth report	14 October 1993	-
	Thirteenth report	14 October 1996	-
Rwanda	Eighth report	16 May 1990	2
	Ninth report	16 May 1992	2
	Tenth report	16 May 1994	1
	Eleventh report	16 May 1996	-
Saint Lucia	Initial report	14 February 1991	1
	Second report	14 February 1993	1
	Third report	14 February 1995	-
Saint Vincent and the Grenadines	Second report	9 December 1984	9
	Third report	9 December 1986	6
	Fourth report	9 December 1988	4
	Fifth report	9 December 1990	3
	Sixth report	9 December 1992	1
	Seventh report	9 December 1994	-
Senegal	Eleventh report	18 May 1993	-
	Twelfth report	18 May 1995	-
Seychelles	Sixth report	6 April 1989	2
	Seventh report	6 April 1991	2
	Eighth report	6 April 1993	1
	Ninth report	6 April 1995	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
Sierra Leone	Fourth report	5 January 1976	24
	Fifth report	5 January 1978	20
	Sixth report	5 January 1980	18
	Seventh report	5 January 1982	14
	Eighth report	5 January 1984	10
	Ninth report	5 January 1986	6
	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
	Fourteenth report	5 January 1996	-
	Supplementary	31 March 1975	1
Slovakia	Initial report	1 January 1994	-
	Second report	1 January 1996	-
Slovenia	Initial report	6 July 1993	-
	Second report	6 July 1995	-
Solomon Islands	Second report	17 March 1985	9
	Third report	17 March 1987	6
	Fourth report	17 March 1989	4
	Fifth report	17 March 1991	3
	Sixth report	17 March 1993	1
	Seventh report	17 March 1995	-
Somalia	Fifth report	27 September 1984	9
	Sixth report	27 September 1986	6
	Seventh report	27 September 1988	4
	Eighth report	27 September 1990	3
	Ninth report	27 September 1992	1
	Tenth report	27 September 1994	1
Sudan	Ninth report	20 April 1994	-
	Tenth report	20 April 1996	-
Suriname	Initial report	15 March 1985	9
	Second report	15 March 1987	6
	Third report	15 March 1989	4
	Fourth report	15 March 1991	3
	Fifth report	15 March 1993	1
	Sixth report	15 March 1995	-
Sweden	Twelfth report	5 January 1995	-
Switzerland	Initial report	29 December 1995	-
Syrian Arab Republic	Twelfth report	21 May 1992	1
	Thirteenth report	21 May 1994	1
	Fourteenth report	21 May 1996	-
Tajikistan	Initial report	10 February 1996	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
The former Yugoslav Republic of Macedonia	Initial report	17 September 1992	-
	Second report	17 September 1994	-
Togo	Sixth report	1 October 1983	10
	Seventh report	1 October 1985	6
	Eighth report	1 October 1987	3
	Ninth report	1 October 1989	3
	Tenth report	1 October 1991	2
	Eleventh report	1 October 1993	1
	Twelfth report	1 October 1995	-
Tonga	Eleventh report	17 March 1993	-
	Twelfth report	17 March 1995	-
Trinidad and Tobago	Eleventh report	4 November 1994	-
Tunisia	Thirteenth report	5 January 1994	-
	Fourteenth report	5 January 1996	-
Turkmenistan	Initial report	29 October 1995	-
Uganda	Second report	21 December 1983	10
	Third report	21 December 1985	6
	Fourth report	21 December 1987	3
	Fifth report	21 December 1989	3
	Sixth report	21 December 1991	2
	Seventh report	21 December 1993	1
	Eighth report	21 December 1995	-
Ukraine	Thirteenth report	5 January 1994	-
	Fourteenth report	5 January 1996	-
United Republic of Tanzania	Eighth report	26 November 1987	5
	Ninth report	26 November 1989	5
	Tenth report	26 November 1991	2
	Eleventh report	26 November 1993	1
	Twelfth report	26 November 1995	-
United States of America	Initial report	20 November 1995	-
Uruguay	Twelfth report	5 January 1992	1
	Thirteenth report	5 January 1994	1
	Fourteenth report	5 January 1996	-
Viet Nam	Sixth report	9 July 1993	-
	Seventh report	9 July 1995	-
Yemen	Eleventh report	19 November 1993	-
	Twelfth report	19 November 1995	-

State Party	Type of report	Date on which the report was due	Number of reminders sent
Yugoslavia d/	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
	Fourteenth report	5 January 1996	-
Zambia	Twelfth report	22 February 1995	-
Zimbabwe	Second report	21 June 1995	-

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a/ For a report submitted in compliance with a decision of the Committee taken at its forty-second session (1993), see CERD/C/247.

b/ For a report submitted in compliance with a decision of the Committee taken at its forty-second session (1993), see CERD/C/249.

c/ For a report submitted in compliance with a decision of the Committee taken at its forty-fourth session (1994), see CERD/C/282.

d/ For a report and further information submitted in compliance with a decision of the Committee taken at its forty-second session (1993), see CERD/C/248 and Add.1.

C. Action taken by the Committee to ensure submission of reports by States Parties

579. At its forty-eighth and forty-ninth sessions, the Committee reviewed the question of delays and non-submission of reports by States Parties in accordance with their obligations under article 9 of the Convention.

580. At its forty-second session, the Committee, having emphasized that the delays in reporting by States Parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States Parties whose reports were excessively overdue. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State Party concerned and their consideration by the Committee. In implementation of those decisions, letters were addressed by the Chairman of the Committee to the Ministers for Foreign Affairs of the following States Parties: Madagascar, Cambodia, India, Pakistan, Panama, Nepal and Swaziland, informing them of the decision taken by the Committee and inviting the Governments concerned to designate a representative to participate in the consideration of their respective reports at the forty-eighth session. Of those States Parties, six, Cambodia, India, Pakistan, Panama, Nepal and Swaziland, requested postponement of the review with a view to submitting the requested reports, and four, India, Pakistan, Panama and Swaziland, submitted a report.

581. At its forty-seventh and forty-eighth sessions the Committee decided to undertake a second round of reviews of the implementation of the Convention in States Parties whose reports remained seriously overdue. These reviews, concerning Guinea, Gambia, Côte d'Ivoire, Fiji, Togo, Somalia, Cape Verde,

Lesotho, Saint Vincent and the Grenadines, Solomon Islands, Botswana, the Lao People's Democratic Republic and Burkina Faso, were undertaken at the forty-eighth and at the forty-ninth sessions.

582. The Committee further decided, at its 1183rd meeting, held on 22 August 1996, to request the Secretary-General, in accordance with rule 66, paragraph 1, of the rules of procedure of the Committee, to continue sending appropriate reminders to States Parties from which two or more reports were due but had not been received before the closing date of its forty-ninth session, asking them to submit their reports by 31 December 1996. The Committee agreed that the reminders to be sent by the Secretary-General should indicate that all overdue reports could be submitted in one consolidated document. (States Parties whose reports are overdue are listed in table 2 above.)

VIII. THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

583. The Committee considered this item at its forty-eighth (1152nd meeting) and forty-ninth session (1184th meeting).

584. For the consideration of this item, the Committee had before it the following documents:

(a) Report of the Special Rapporteur (A/50/476);

(b) Report on the implementation of the programme of action for the third decade (E/CN.4/1996/71 and Add.1);

(c) General Assembly resolution 50/136;

(d) Commission on Human Rights resolutions 1996/8 and 1996/21;

(e) Summary record of the joint meeting the Committee and the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/SR.12);

(f) Proposals for joint action;

(g) Agreed declaration for Joint and Cooperative Action;

(h) Report of the Special Rapporteur (E/CN.4/1996/72);

(i) Third Decade, a note from Mr. M. P. Banton.

585. The Bureaux of the Committee and the Subcommission on Prevention of Discrimination and Protection of Minorities met on 15 August 1996 and discussed the following issues:

(a) That representatives of the two bodies should continue to meet annually and the presidency of these meetings would alternate on a yearly basis;

(b) Whether the joint meetings could become a focal point for activities undertaken within the context of the Third Decade to Combat Racism and Racial Discrimination, provided that this involved no more than commenting and making suggestions on past, present and future activities planned by the United Nations Secretariat in conformity with the activities designated by the General Assembly in the Revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (1993-2003) (resolution 49/146, annex, para. 7);

(c) That the Committee and the Subcommission, acting through their representatives, should prepare a working paper (without financial implications) on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination to be presented to the two bodies possibly at their respective sessions in August 1997;

(d) That once the working paper on article 7 was completed, discussion of further steps could be taken by the two respective bodies including the feasibility of eventually holding a seminar on article 7;

(e) Whether further consideration should be given to a seminar or conference on the role of the mass media along the lines of paragraph 10 of the

Revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (1993-2003), as well as regional seminars as referred to in paragraph 7 (j) of the same document.

586. The Committee deferred any decision on these issues until it was better informed about the views of the Subcommission.

IX. OVERVIEW OF THE METHODS OF WORK OF THE COMMITTEE

587. This section of the Committee's report aims at providing a concise and up-to-date overview of the Committee's methods of work. It highlights changes introduced in recent years and is designed to make the Committee's procedures more transparent and accessible to both States Parties and the public.

A. States Parties' reports: general considerations

588. Article 9, paragraph 1, of the Convention obliges each State Party to submit an initial report on the application of the treaty within one year of the assumption of its obligations and "thereafter every two years and whenever the Committee so requests". The Committee's obligation under article 9, paragraph 2, to report on its examination of these reports is the centrepiece of its work.

589. When the Committee began its treaty-monitoring work in 1970, there was some confusion about what information was required to be contained in these reports. Deficiencies in the contents of reports also led the Committee in 1972 to adopt its first and second general recommendations which drew attention to the obligation of every State party to legislate to fulfil obligations deriving from article 4, and the obligation to report irrespective of whether a Government was of the view that racial discrimination did or did not exist on its territory. Guidelines were subsequently adopted in 1980 for States to follow when preparing their reports. These guidelines were subsequently amended in 1982 and 1993. 18/

590. Although the Committee was the first human rights treaty-monitoring body within the United Nations system, subsequently the number of treaty bodies has grown to six as other United Nations human rights conventions have been adopted. To lighten the reporting burden on States Parties, consolidated guidelines were introduced in 1991 for the initial part of a State report to all of the United Nations treaty bodies. It was decided that the initial part of a State report would consist of a "core document" common to all human rights treaty bodies and would contain the following subdivisions: "land and people", "general political structure", "general legal framework within which human rights are protected", and "information and publicity". 19/

591. As a result of a recommendation of the eleventh meeting of States Parties, the Committee decided at its thirty-eighth session in 1990 that after the submission of an initial comprehensive report, States should submit further comprehensive reports every four years and brief updating reports in the intervening two-year periods. 20/ Some States have been discouraged from repeating information already included in the previous report.

592. In 1972, the Committee began the procedure of inviting States Parties whose reports were to be examined to designate one or more representatives to present the report to the Committee and respond to inquiries from its members. The consideration of reports takes place in public meetings which, at the present time, take place twice a year, for three weeks on each occasion.

593. The purpose of these meetings is to establish a constructive dialogue between the Committee and representatives of the State Party. The main function of the Committee is to assist States Parties in fulfilling their obligations under the Convention, to make available the experience that the Committee has acquired in reviewing other reports and to discuss various issues relating to

the full implementation of the Convention's requirements. The daily proceedings are recorded in summary records.

594. Although the State Party's report is the principal basis for the Committee's review of the application of the Convention, Committee members may also consider other relevant information. This information includes, in addition to previous State reports, the summary records of the discussions and concluding observations, where relevant documentation of other treaty bodies, documentation of the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and special rapporteurs of the Commission and Subcommission, other documentation of the United Nations, and information of a governmental and non-governmental nature. It was formally clarified in decision 1 (XL) at the fortieth session in 1991 that Committee members, as independent experts, must be able to use, in addition to reports submitted by States Parties, "all other available sources of information, including both governmental and non-governmental sources". 21/

595. Beginning in 1988, the Committee began the practice of appointing country rapporteurs for State reports. The responsibility of a member so appointed is to prepare a thorough study and evaluation of each State report, to prepare a comprehensive list of questions to put to the representatives of the reporting State and to lead the discussion in the Committee. 22/ This procedure was adopted to increase efficiency in the functioning of the Committee by having a certain division of labour, while ensuring that at least one Committee member was thoroughly prepared to ask questions and make comments. Both the quality of dialogue and the effective use of time have increased significantly since the adoption of this system.

596. The country rapporteur takes the lead in asking a series of detailed questions concerning the report and, more generally, other issues relevant to the implementation of the Convention. Other Committee members also participate in the questioning process. The issues to be discussed are not normally defined in advance, thus allowing for a spontaneous, frank and wide-ranging discussion of issues Committee members raise. The country rapporteur may send in advance though the Secretariat to the State Party concerned a list of questions which are of particular interest, although in practice this procedure is not frequently used.

597. After Committee members have asked their initial series of questions, the representatives of the State Party then have an opportunity to respond. If questions have been asked which require the State Party to consult specialists who are not present, the State Party is asked to supply the information at a later time after consultation with the appropriate experts, eventually in writing.

598. In 1992 the Committee adopted the practice of adopting an opinion on the presentation of a State's report in the form of what are called "concluding observations". 23/ Prior to this, members expressed their individual opinions which were recorded in the summary records. The country rapporteur is responsible for drafting the concluding observations, which are then presented to the full Committee for discussion, amendment and adoption. The Committee adopts the concluding observations by consensus, although very exceptionally a particular member indicates that he or she is unwilling to join the consensus. Although concluding observations are currently discussed and adopted in proceedings open to the public, prior to 1996 the Committee discussed them in closed session and the summary records of these proceedings were similarly confidential.

599. The concluding observations have the following format: introduction, factors and difficulties impeding the implementation of the Convention, positive aspects, principal subjects of concern, and suggestions and recommendations. These concluding observations provide a general evaluation of the State Party's report and the exchange of views between the State Party's representatives and the Committee. The Committee may also recommend that the State Party avail itself of the advisory and technical services of the Centre for Human Rights including, where appropriate, the expertise of one or more Committee members to facilitate the application of the Convention.

600. A decision was taken at the forty-eighth session in 1996 to publish the concluding observations for each State Party in a separate official document. 24/ The concluding observations for the reports of all States Parties examined during the year will continue to be published collectively in the Committee's annual report to the General Assembly, consistent with previous practice.

B. Overdue periodic reports

601. The timely submission of periodic reports is fundamental to achievement of the Convention's goals. Nevertheless, delays in reporting by some States Parties have been a very important source of concern to the Committee and the General Assembly. Problems of noncompliance with reporting obligations have been a major obstacle to both the Committee's work and the effective implementation of the Convention. The reasons which have been given for overdue reports include the cumulative burden of producing reports to several international human rights treaty bodies, the shortage of qualified government personnel and budgetary limitations, the lack of an efficient administrative structure which inhibits coordination between different administrative bodies with responsibility for similar issues, and a lack of political will to fully comply with the Convention's reporting obligations. As a result, the Committee has developed a number of practices to deal with this problem.

602. Written reminders are regularly sent by the Secretary-General to States Parties from which two or more reports are overdue. Defaulting States Parties are listed in the Committee's annual report to the General Assembly with an indication of when the various reports were due and the number of reminders sent to each State Party. At its thirty-ninth session in 1991, the Committee agreed that the reminders sent by the Secretary-General should indicate that all overdue reports could be submitted in one consolidated document. 25/

603. At its thirty-ninth session in 1991, the Committee also decided that it would proceed to review the implementation of the Convention by State Parties whose periodic reports were significantly overdue, even in the absence of the submission of an up-to-date report. It was further agreed that this review would be based on the previous reports submitted by the States concerned. 26/ The adoption of this procedure has allowed the Committee to take more effective control of the reporting process, rather than simply reacting once States have submitted reports.

604. Implementation of this procedure began in 1991 when letters were sent to 13 States whose periodic reports were overdue by five years or more, informing them that implementation of the Convention in their countries would be reviewed and inviting them to participate. A note verbale was subsequently sent before the session to inform the States Parties of the date and time this review would

take place. This procedure, which continues to be followed, is sometimes referred to as a "first round review".

605. In a number of cases, one or more of the States Parties concerned have reacted positively to this first round review procedure and subsequently prepared an up-to-date report for consideration by the Committee, either for the scheduled session or at a subsequent session if postponement of the consideration of their report has been requested and granted. The Committee has been more ready to agree to a postponement when the report has been promised for a given date. In other cases, the States Parties have not reacted and the review has proceeded on the basis of previous reports submitted. In some cases, one or more representatives of the States Parties concerned have participated in the review.

606. When no report has been received from a State Party five years after the initiation of a review, a "second round review" has been instituted. In 1996 16 States were so notified they would be reviewed at the forty-eighth and forty-ninth sessions of the Committee. For these subsequent reviews, a note verbale is also sent to the States Parties concerned indicating the date and time of their review by the Committee, inviting one or more representatives of the States Parties concerned to participate.

607. This procedure of first round reviews and, if necessary, subsequent reviews of States Parties which continue to have substantially overdue reports is a measure to ensure a minimum level of review of all States Parties, to encourage a constructive dialogue with defaulting States Parties even in the absence of an up-to-date report submission, and to encourage these States Parties to eventually comply with the Convention's obligation for the periodic submission of reports.

C. Overdue initial reports

608. The situation that arises when an initial report is seriously overdue is different in that article 9.2 states that the Committee's "suggestions and general recommendations shall be based on the examination of the reports and information received from the States Parties". Since some initial reports were overdue by as much as 19 years, the Committee decided in 1996 to notify States whose initial reports were overdue by 5 years or more that: (a) the Committee shall review implementation of the Convention in the State Parties concerned at a future session, and invites one or more representatives of these State Parties to participate in its consideration; and (b) in view of the absence of an initial report, the Committee shall consider as an initial report all information submitted by the State Party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations.

D. Early-warning measures and urgent procedures

609. The Committee noted that the Secretary-General in his report to the General Assembly at its forty-seventh session on the work of the Organization had emphasized the primary importance of preventing human rights violations before they occur. The report also identified "the need to consider ways to empower the Secretary-General and the expert human rights bodies to bring massive violations of human rights to the attention of the Security Council together with recommendations for actions". 27/ The chairpersons of human rights treaty

bodies, at their fourth meeting, expressed their full support for the statement of the Secretary-General and urged the treaty bodies to take all appropriate measures in response to such situations. They went on to say: "... the treaty bodies have an important role in seeking to prevent as well as to respond to human rights violations. It is thus appropriate for each treaty body to undertake an urgent examination of all possible measures that it might take, within its competence, both to prevent human rights violations from occurring and to monitor more closely emergency situations of all kinds ...". 28/

610. In 1993, the Committee adopted a working paper to guide it in dealing with possible measures to prevent, as well as to respond more effectively to, violations of the Convention. 29/ The working paper noted that both early-warning measures and urgent procedures could be used to try to prevent serious violations of the Convention. At its forty-fifth session, in 1994, the Committee decided that preventive measures, including early-warning measures and urgent procedures, should become part of its regular agenda. 30/

611. Early-warning measures are to be directed at preventing existing problems from escalating into conflicts and can also include confidence-building measures to identify and support whatever strengthens and reinforces racial tolerance, particularly to prevent a resumption of conflict where it has previously occurred. Criteria for early-warning measures could, for example, include the following situations: the lack of an adequate legislative basis for defining and prohibiting all forms of racial discrimination, as provided for in the Convention; inadequate implementation or enforcement mechanisms, including the lack of recourse procedures; the presence of a pattern of escalating racial hatred and violence, or racist propaganda or appeals to racial intolerance by persons, groups or organizations, notably by elected or other officials; a significant pattern of racial discrimination evidenced in social and economic indicators; and significant flows of refugees or displaced persons resulting from a pattern of racial discrimination or encroachment on the lands of minority communities.

612. Urgent procedures are to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention. Criteria for initiating an urgent procedure could include, for example, the presence of a serious, massive or persistent pattern of racial discrimination; or a situation that is serious where there is a risk of further racial discrimination.

613. Decisions, statements or resolutions are adopted and further action is taken by the Committee under the preventive framework of the early-warning measures and urgent procedures.

E. Implementation of article 15

614. The Committee is empowered under article 15 of the Convention to consider copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the competent bodies of the United Nations. However, in recent years the Committee has found it impossible to fulfil its functions under article 15 (2) (a) owing to the total absence of any copies of petitions as provided for in the Convention.

615. The Committee has, however, adopted the practice of reviewing the situation in Trust and Non-Self-Governing Territories in another manner. To the extent

such territories are currently being administered by a State Party to the Convention, the State Party in question is requested to provide data on implementation of the Convention not only with respect to its own territory, but also with respect to any Trust and Non-Self-Governing Territories it administers.

F. Communications under article 14

616. Individuals or groups of individuals who claim that their rights protected by the Convention have been violated by a State Party which has recognized article 14 may submit written communications to the Committee for consideration, provided that they have exhausted all available domestic remedies.

617. Consideration of communications under article 14 takes place in closed meetings, pursuant to rule 88 of the Committee's rules of procedure. All documents pertaining to the work of the Committee under article 14, including submissions from the parties and other working documents of the Committee, are confidential.

618. The Committee began its work under article 14 at its thirtieth session in 1984. As of 23 August 1996, the Committee has considered eight communications. Consistent with the requirements of article 14, the Committee makes a summary of each communication submitted for its consideration as well as the explanations and statements of the State Party concerned, and then gives its own suggestions and recommendations.

G. General recommendations

619. Under article 9, the Committee may make "suggestions and general recommendations" based on its examinations of reports. In the first 20 years of its existence, the Committee made seven general recommendations including two concerning the mandatory nature of article 4 and five others which dealt with claims about the absence of racial discrimination, relations with South Africa, the need for demographic data, reporting obligations, and educational measures.

620. Between 1990 and 1995, the Committee adopted 12 more general recommendations and gave preliminary consideration to other proposals. The 12 general recommendations adopted since 1990 relate to identification of individuals as members of racial or ethnic groups, the importance of respecting the status of Committee members as impartial experts, technical assistance, reporting on legislation on foreigners, accession of successor States to the Convention, human rights training of law enforcement officials, on discrimination in effect under article 1, the mandatory obligations of article 4, the use of article 11 and not article 9 for claiming another State Party is not giving effect to the Convention, the establishment of national institutions to facilitate the Convention's implementation, the establishment of an international tribunal to prosecute crimes against humanity, and the nature of article 3's obligations. 31/

621. In 1996, the Committee adopted two general recommendations at its forty-eighth session which dealt with the nature of obligations under article 5 and the right to self-determination, and one at its forty-ninth session which concerned the rights of refugees and persons displaced on the basis of ethnic criteria.

H. Missions

622. Missions have been undertaken by one or more Committee members with the consent of the Government concerned to ensure the effective implementation of the Convention. For example, missions have been undertaken in the framework of the advisory services and technical assistance programme. In other cases, missions have been undertaken in the context of the Committee's work related to preventive action.

I. Relations with other international bodies

623. The Committee established a cooperative relationship with both the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), in decision 2 (VI) on 21 August 1972. Both organizations have a standing invitation to attend the Committee's sessions and submit documentation, but they do not participate in the proceedings.

624. More recently, the Committee has been in the process of establishing liaisons with other international organizations. At its forty-ninth session in 1996, the Committee reported that liaison relationships had been or were in the process of being established with the following organizations: Council of Europe, European Parliament, European Union, European Union Advisory Commission on Racism and Xenophobia, Office of the United Nations High Commissioner for Human Rights, High Commissioner for National Minorities of the Organisation for Security and Cooperation in Europe, Office of the United Nations High Commissioner for Refugees, Working Group of the Subcommission on Prevention of Discrimination and Protection of Minorities on Indigenous Peoples, Working Group of the Subcommission on Prevention of Discrimination and Protection of Minorities on Minorities, Inter-American Court of Human Rights, Inter-American Commission on Human Rights, African Commission on Human and People's Rights, Council of Baltic States, Commonwealth, and Commonwealth of Independent States.

625. In addition, the Committee has established close working relationships with the High Commissioner for Human Rights as well as the Subcommission on Prevention of Discrimination and Protection of Minorities. In the case of the latter organization, the bureaux of the Committee and the Subcommission meet regularly on an annual basis to consult, coordinate and undertake joint activities. When appropriate, the Committee and the Subcommission undertake joint meetings.

626. The Committee also takes note of the work of the other United Nations human rights treaty bodies, and tries to draw on the work of such bodies to the extent it is useful and relevant. Moreover, through the annual meeting of persons chairing the human rights treaty bodies, the Committee, acting through its chairman, consults with those who chair other treaty bodies to find ways and means of increasing the Committee's efficiency and effectiveness.

J. Article 11 proceedings

627. If a State Party considers that another State Party is not giving effect to the provisions of the Convention, it may bring the matter to the attention of the Committee. In practice, however, no State Party has ever used this proceeding.

Notes

1/ See Official Records of the International Convention on the Elimination of All Forms of Racial Discrimination, Sixteenth Meeting of States Parties (CERD/SP/55).

2/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718), chap. IX, sect. B.

3/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18), annex III.

4/ Ibid., Supplement No. 18 (A/48/18), paras. 530-547.

5/ Ibid., para. 546.

6/ Ibid., Fiftieth Session, Supplement No. 18 (A/50/18), paras. 669-670.

7/ Although not formally incorporated into all of the concluding observations on periodic reports examined during the forty-eighth session, the Committee wished that the spirit of the following language be applicable to all concluding observations adopted with respect to State Parties that have not made the declaration under article 14 of the Convention as well as those which have not yet ratified the amendments to article 8, paragraph 6, of the Convention:

> "The Committee notes that the State Party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of such declaration be considered.
>
> "The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the fourteenth meeting of States Parties."

8/ The Committee takes note of the document submitted by the Government of Bolivia on 21 August 1996 concerning legislative proposals made by the Ministry of Justice for the elimination of all forms of racial discrimination. This document can be considered by the Committee when Bolivia submits its next periodic report.

9/ The comments of India were submitted to the Committee on the Elimination of Racial Discrimination pursuant to article 9, paragraph 2, of the Convention and are reprinted in annex IX.

10/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 18 (A/47/18), paras. 254-260.

11/ Ibid., paras. 284-288.

12/ Ibid., Forty-third Session, Supplement No. 18 (A/43/18), annex IV.

13/ Ibid., Forty-sixth Session, Supplement No. 18 (A/46/18), annex VIII.

14/ Ibid., Forty-eighth Session, Supplement No. 18 (A/48/18), annex IV.

15/ Ibid., Forty-ninth Session, Supplement No. 18 (A/49/18), annex IV.

16/ Ibid., Fiftieth Session, Supplement No. 18 (A/50/18), annex VIII.

17/ Ibid., Supplement No. 23 (A/50/23), chap. I.

18/ "General guidelines regarding the form and contents of reports by States Parties under article 9, paragraph 1, of the Convention" (CERD/C/70/Rev.3).

19/ Preparation of the initial parts of State Party reports ("Core documents") under the various international human rights instruments, HRI/CORE/1, and annex, HRI/1991/1, pp. 2 and 3.

20/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 18 (A/45/18), para. 29.

21/ Ibid., Forty-sixth Session, Supplement No. 18 (A/46/18), chap. VII, sect. B.

22/ CERD/C/SR.827, paras. 40 and 52-75.

23/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 18 (A/46/18), para. 31.

24/ See, for example, CERD/C/304/Add.1, of 28 March 1996.

25/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 18 (A/46/18), para. 28.

26/ Ibid., para. 27.

27/ Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

28/ Ibid., Forty-ninth Session, Supplement No. 18 (A/49/18), para. 18, citing A/47/628, para. 44.

29/ Ibid., Forty-eighth Session, Supplement No. 18 (A/48/18), annex III.

30/ Ibid., Forty-ninth Session, Supplement No. 18 (A/49/18), para. 17.

31/ "Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies" (HRI/GEN/1/Rev.2), pp. 88-101 (General Recommendations I to XIX).

ANNEX I

Status of the Convention

A. States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination (148), as at 23 August 1996

State Party	Date of receipt of the instrument of ratification or accession	Entry into force
Afghanistan	6 July 1983 a/	5 August 1983
Albania	11 May 1994 a/	10 June 1994
Algeria	14 February 1972	15 March 1972
Antigua and Barbuda	25 October 1988 a/	25 October 1988
Argentina	2 October 1968	4 January 1969
Armenia	23 June 1993 a/	23 July 1993
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Azerbaijan	16 August 1996 a/	15 September 1996
Bahamas	5 August 1975 b/	5 August 1975
Bahrain	27 March 1990 a/	26 April 1990
Bangladesh	11 June 1979 a/	11 July 1979
Barbados	8 November 1972 a/	8 December 1972
Belarus	8 April 1969	8 May 1969
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Bosnia and Herzegovina	16 July 1993 b/	16 July 1993
Botswana	20 February 1974 a/	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burkina Faso	18 July 1974 a/	17 August 1974
Burundi	27 October 1977	26 November 1977
Cambodia	28 November 1983	28 December 1983
Cameroon	24 June 1971	24 July 1971
Canada	14 October 1970	15 November 1970
Cape Verde	3 October 1979 a/	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 a/	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 a/	28 January 1982
Colombia	2 September 1981	2 October 1981
Congo	11 July 1988 a/	10 August 1988
Costa Rica	16 January 1967	4 January 1969
Côte d'Ivoire	4 January 1973 a/	3 February 1973
Croatia	12 October 1992 b/	8 October 1991

State Party	Date of receipt of the instrument of ratification or accession	Entry into force
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czech Republic	22 February 1993 b/	1 January 1993
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983 a/	24 June 1983
Ecuador	22 September 1966 a/	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 a/	30 December 1979
Estonia	21 October 1991 a/	20 November 1991
Ethiopia	23 June 1976 a/	23 July 1976
Fiji	11 January 1973 b/	11 January 1973
Finland	14 July 1970	13 August 1970
France	28 July 1971 a/	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 a/	28 January 1979
Germany	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guatemala	18 January 1983	17 February 1983
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	1 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran (Islamic Republic of)	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy	5 January 1976	4 February 1976
Jamaica	4 June 1971	4 July 1971
Japan	15 December 1995	14 January 1996
Jordan	30 May 1974 a/	29 June 1974
Kuwait	15 October 1968 a/	4 January 1969
Lao People's Democratic Republic	22 February 1974 a/	24 March 1974
Latvia	14 April 1992 a/	14 May 1992
Lebanon	12 November 1971 a/	12 December 1971
Lesotho	4 November 1971 a/	4 December 1971
Liberia	5 November 1976 a/	5 December 1976
Libyan Arab Jamahiriya	3 July 1968 a/	4 January 1969

State Party	Date of receipt of the instrument of ratification or accession	Entry into force
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Malawi	11 June 1996 a/	11 July 1996
Maldives	24 April 1984 a/	24 May 1984
Mali	16 July 1974 a/	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritania	13 December 1988	12 January 1989
Mauritius	30 May 1972 a/	29 June 1972
Mexico	20 February 1975	22 March 1975
Monaco	27 September 1995	27 October 1995
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Mozambique	18 April 1983 a/	18 May 1983
Namibia	11 November 1982 a/	11 December 1982
Nepal	30 January 1971 a/	1 March 1971
Netherlands	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978 a/	17 March 1978
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 a/	4 January 1969
Norway	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Papua New Guinea	27 January 1982 a/	26 February 1982
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Portugal	24 August 1982 a/	23 September 1982
Qatar	22 July 1976 a/	21 August 1976
Republic of Korea	5 December 1978 a/	4 January 1979
Republic of Moldova	26 January 1993 a/	25 February 1993
Romania	15 September 1970 a/	15 October 1970
Russian Federation	4 February 1969	6 March 1969
Rwanda	16 April 1975 a/	16 May 1975
Saint Lucia	14 February 1990 b/	14 February 1990
Saint Vincent and the Grenadines	9 November 1981 a/	9 December 1981
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978 a/	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Slovakia	28 May 1993 b/	28 May 1993

State Party	Date of receipt of the instrument of ratification or accession	Entry into force
Slovenia	6 July 1992 b/	6 July 1992
Solomon Islands	17 March 1982 b/	17 March 1982
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 a/	4 January 1969
Sri Lanka	18 February 1982 a/	20 March 1982
Sudan	21 March 1977 a/	20 April 1977
Suriname	15 March 1984 b/	15 March 1984
Swaziland	7 April 1969 a/	7 May 1969
Sweden	6 December 1971	5 January 1972
Switzerland	29 November 1994 a/	29 December 1994
Syrian Arab Republic	21 April 1969 a/	21 May 1969
Tajikistan	11 January 1995 a/	10 February 1995
The former Yugoslav Republic of Macedonia	18 January 1994 b/	17 September 1991
Togo	1 September 1972 a/	1 October 1972
Tonga	16 February 1972 a/	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969
Turkmenistan	29 September 1994 a/	29 October 1994
Uganda	21 November 1980 a/	21 December 1980
Ukraine	7 March 1969	6 April 1969
United Arab Emirates	20 June 1974 a/	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Tanzania	27 October 1972 a/	26 November 1972
United States of America	21 October 1994	20 November 1994
Uruguay	30 August 1968	4 January 1969
Uzbekistan	28 September 1995 a/	28 October 1995
Venezuela	10 October 1967	4 January 1969
Viet Nam	9 June 1982 a/	9 July 1982
Yemen	18 October 1972 a/	17 November 1972
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 a/	21 May 1976
Zambia	4 February 1972	5 March 1972
Zimbabwe	13 May 1991 a/	12 June 1991

B. States Parties that have made the declaration under article 14, paragraph 1, of the Convention (23), as at 23 August 1996

State Party	Date of deposit of the declaration	Effective date
Algeria	12 September 1989	12 September 1989
Australia	28 January 1993	28 January 1993
Bulgaria	12 May 1993	12 May 1993
Chile	18 May 1994	18 May 1994
Costa Rica	8 January 1974	8 January 1974
Cyprus	30 December 1993	30 December 1993
Denmark	11 October 1985	11 October 1985
Ecuador	18 March 1977	18 March 1977
Finland	16 November 1994	16 November 1994
France	16 August 1982	16 August 1982
Hungary	13 September 1990	13 September 1990
Iceland	10 August 1981	10 August 1981
Italy	5 May 1978	5 May 1978
Luxembourg	22 July 1996	22 July 1996
Netherlands	10 December 1971	9 January 1972
Norway	23 January 1976	23 January 1976
Peru	27 November 1984	27 November 1984
Russian Federation	1 October 1991	1 October 1991
Senegal	3 December 1982	3 December 1982
Slovakia	17 March 1995	17 March 1995
Sweden	6 December 1971	5 January 1972
Ukraine	28 July 1992	28 July 1992
Uruguay	11 September 1972	11 September 1972

C. States Parties that have accepted the amendments to the Convention adopted at the fourteenth meeting of States Parties* (17), as at 23 August 1996

State Party	Date acceptance received
Australia	15 October 1993
Bahamas	31 March 1994
Bulgaria	2 March 1995
Burkina Faso	9 August 1993
Canada	8 February 1995
Denmark	3 September 1993
Finland	9 February 1994
France	1 September 1994
Netherlands (for the Kingdom in Europe and the Netherlands Antilles and Aruba)	24 January 1995
New Zealand	8 October 1993
Norway	6 October 1993
Republic of Korea	30 November 1993
Seychelles	23 July 1993
Sweden	14 May 1993
Trinidad and Tobago	23 August 1993
Ukraine	17 June 1994
United Kingdom of Great Britain and Northern Ireland	7 February 1994

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* For the amendments to enter into force, acceptance must be received from two thirds of the States Parties to the Convention.

Notes

a/ Accession.

b/ Date of receipt of notification of succession.

ANNEX II

Agendas of the forty-eighth and forty-ninth sessions

A. Forty-eighth session

1. Opening of the session by the representative of the Secretary-General.

2. Solemn declaration by newly elected members of the Committee under rule 14 of the rules of procedure.

3. Election of officers.

4. Adoption of the agenda.

5. Prevention of racial discrimination, including early warning and urgent procedures.

6. Consideration of reports, comments and information submitted by States Parties under article 9 of the Convention.

7. Consideration of communications under article 14 of the Convention.

8. Action by the General Assembly at its fiftieth session:

   (a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention;

   (b) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights.

9. Submission of reports by States Parties under article 9, paragraph 1, of the Convention.

10. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.

11. Third Decade to Combat Racism and Racial Discrimination.

B. Forty-ninth session

1. Adoption of the agenda.

2. Report of the Chairman.

3. Organizational and other matters.

4. Prevention of racial discrimination, including early warning and urgent procedures.

5. Consideration of reports, comments and information submitted by States Parties under article 9 of the Convention.

6. Consideration of communications under article 14 of the Convention.

7. Submission of reports by States Parties under article 9, paragraph 1, of the Convention.

8. Third Decade to Combat Racism and Racial Discrimination.

9. Report of the Committee to the General Assembly at its fifty-first session under article 9, paragraph 2, of the Convention.

ANNEX III

Statement by the Committee concerning terrorist acts in Israel

At its 1064th meeting, on 16 August 1994, the Committee on the Elimination of Racial Discrimination adopted its decision 3 (45) expressing grave concern over terrorist acts victimizing certain racial, ethnic and national groups. It condemned all forms of terrorism and stressed the necessity of strengthening international cooperation to prevent such attacks.

In the same spirit the Committee condemns and denounces the recent terrorist acts in Israel resulting in the indiscriminate killing of innocent people.

The Committee joins the Secretary-General of the United Nations in calling on the international community to stand together, to speak out and to unite in action against all acts of terrorism. The Committee reiterates that there is no justification whatsoever for such acts.

The Committee expresses its resolute and full support for the Middle East peace process and for what has been so painstakingly achieved by Israel and the Palestinian Authority in the interests of the Israeli and Palestinian peoples.

1143rd meeting
6 March 1996

ANNEX IV

Statement by the Committee to the Second United Nations Conference on Human Settlements (Habitat II)

1. The Committee on the Elimination of Racial Discrimination regards the convening of the Second United Nations Conference of Human Settlements as an opportunity to reaffirm the right to housing as one that shall be available without racial discrimination in accordance with article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination.

2. Like other treaty bodies, the Committee believes that the right to housing should be interpreted as a right to live somewhere in security, peace and dignity. In its General Recommendation XX the Committee has affirmed that to the extent that private institutions influence the exercise of rights detailed in article 5 of the Convention, States Parties must ensure that the result has neither the purpose nor the effect of creating or perpetuating racial discrimination.

3. In its General Recommendation XIX the Committee observed that in many cities residential patterns are influenced by group differences in income which are sometimes combined with differences of race, colour, descent, national or ethnic origin, so that inhabitants can be stigmatized and individuals suffer a form of discrimination in which racial grounds are mixed with other grounds. The Committee therefore affirmed that a condition of racial segregation can arise without any initiative or direct involvement by the public authorities. It has invited States Parties to monitor all trends which can give rise to racial segregation, to work for the eradication of any negative consequences that ensue, and to describe any such action in their periodic reports.

4. The economic, social and psychological consequences of residential segregation are far-reaching. They limit access to many kinds of service, both public and private. They distort participation in political processes. They affect the formation and maintenance of social groups. They can lead to segregation in education. In particular, they influence the sense of moral worth, or the lack of it, which children acquire as they grow up in favoured or in stigmatized neighbourhoods.

5. For these reasons, the Committee calls upon the Conference on Human Settlements to give priority attention to residential segregation in any consideration of the right to live in dignity.

1154th meeting
14 March 1996

ANNEX V

List of documents issued for the forty-eighth and forty-ninth sessions of the Committee

CERD/C/217/Add.1	Initial report of Zimbabwe
CERD/C/237/Add.2	Third, fourth, fifth, sixth, seventh, eighth and ninth periodic reports of Zaire, submitted in one document
CERD/C/240/Add.2	Eleventh and twelfth periodic reports of Finland, submitted in one document
CERD/C/257/Add.1	Sixth and seventh periodic reports of Colombia, submitted in one document
CERD/C/258/Add.1	Eighth periodic report of the Republic of Korea
CERD/C/262/Add.4	Tenth, eleventh and twelfth periodic reports of Malta, submitted in one document
CERD/C/263/Add.5	Thirteenth periodic report of Spain
CERD/C/263/Add.6	Eleventh, twelfth and thirteenth periodic reports of Hungary, submitted in one document
CERD/C/263/Add.7 and Part II	Thirteenth periodic report of the United Kingdom of Great Britain and Northern Ireland
CERD/C/263/Add.8/Rev.1	Tenth, eleventh, twelfth and thirteenth periodic reports of Venezuela, submitted in one document
CERD/C/263/Add.9	Twelfth and thirteenth periodic reports of the Russian Federation, submitted in one document
CERD/C/263/Add.10	Tenth, eleventh, twelfth and thirteenth periodic reports of Brazil, submitted in one document
CERD/C/273/Add.1	Tenth periodic report of Zaire
CERD/C/275/Add.1	Fourth, fifth, sixth and seventh periodic reports of Namibia, submitted in one document
CERD/C/275/Add.2	Fifth, sixth and seventh periodic reports of China, submitted in one document
CERD/C/280/Add.1	Tenth, eleventh and twelfth periodic reports of Denmark, submitted in one document

CERD/C/280/Add.2	Eighth, ninth, tenth, eleventh and twelfth periodic reports of Mauritius, submitted in one document
CERD/C/281/Add.1	Eighth, ninth, tenth, eleventh and twelfth periodic reports of Bolivia, submitted in one document
CERD/C/292/Add.1	Seventh periodic report of Guatemala
CERD/C/299/Add.1	Tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Panama, submitted in one document
CERD/C/299/Add.2	Fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Swaziland, submitted in one document
CERD/C/299/Add.3	Tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of India, submitted in one document
CERD/C/300	Provisional agenda and annotations of the forty-eighth session of the Committee on the Elimination of Racial Discrimination
CERD/C/301	Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention: note by the Secretary-General
CERD/C/302/Rev.1	Submission of reports by States Parties in accordance with article 9 of the Convention
CERD/C/304/Add.1	Concluding observations on States Parties' reports - Colombia
CERD/C/304/Add.2	Concluding observations on States Parties' reports - Denmark
CERD/C/304/Add.3	Concluding observations on States Parties' reports - Zimbabwe
CERD/C/304/Add.4	Concluding observations on States Parties' reports - Hungary
CERD/C/304/Add.5	Concluding observations on States Parties' reports - Russian Federation
CERD/C/304/Add.6	Concluding observations on States Parties' reports - Madagascar

CERD/C/304/Add.7	Concluding observations on States Parties' reports - Finland
CERD/C/304/Add.8	Concluding observations on States Parties' reports - Spain
CERD/C/304/Add.9	Concluding observations on States Parties' reports - United Kingdom of Great Britain and Northern Ireland
CERD/C/304/Add.10	Concluding observations on States Parties' reports - Bolivia
CERD/C/304/Add.11	Concluding observations on States Parties' reports - Brazil
CERD/C/304/Add.12	Concluding observations on States Parties' reports - Republic of Korea
CERD/C/304/Add.13	Concluding observations on States Parties' reports - India
CERD/C/304/Add.14	Concluding observations on States Parties' reports - Malta
CERD/C/304/Add.15	Concluding observations on States Parties' reports - People's Republic of China
CERD/C/304/Add.16	Concluding observations on States Parties' reports - Namibia
CERD/C/304/Add.17	Concluding observations on States Parties' reports - Venezuela
CERD/C/304/Add.18	Concluding observations on States Parties' reports - Zaire
CERD/C/304/Add.19	Concluding observations on States Parties' reports - Mauritius
CERD/C/305	Provisional agenda and annotations of the forty-ninth session of the Committee on the Elimination of Racial Discrimination
CERD/C/306	Submission of reports by States Parties in accordance with article 9 of the Convention
CERD/C/SR.1128-1155	Summary records of the forty-eighth session of the Committee on the Elimination of Racial Discrimination
CERD/C/SR.1156-1184	Summary records of the forty-ninth session of the Committee on the Elimination of Racial Discrimination

ANNEX VI

Documents received by the Committee at its forty-eighth and forty-ninth sessions in conformity with article 15 of the Convention

The following is a list of working papers submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples:

Pitcairn	A/AC.109/2012
Cayman Islands	A/AC.109/2013 and Corr.1 and Add.1
United States Virgin Islands	A/AC.109/2014
Turks and Caicos Islands	A/AC.109/2015 and Add.1
Anguilla	A/AC.109/2016 and Add.1
British Virgin Islands	A/AC.109/2017 and Add.1
Guam	A/AC.109/2018
Montserrat	A/AC.109/2019 and Add.1
Bermuda	A/AC.109/2020 and Add.1
Saint Helena	A/AC.109/2021
Tokelau	A/AC.109/2022
American Samoa	A/AC.109/2023
Gibraltar	A/AC.109/2025
East Timor	A/AC.109/2026
Falkland Islands (Malvinas)	A/AC.109/2027 and Corr.1
New Caledonia	A/AC.109/2028
Western Sahara	A/AC.109/2029 and Add.1

ANNEX VII

Country rapporteurs for reports considered by the Committee at its forty-eighth and forty-ninth sessions

Reports considered by the Committee	Country rapporteur
BOLIVIA Eighth, ninth, tenth, eleventh and twelfth periodic reports (CERD/C/281/Add.1)	Mr. Carlos Lechuga Hevia
BOTSWANA Review based on previous reports and on review undertaken in 1992 (CERD/C/105/Add.1 and A/47/18, paras. 267-274)	Mr. Michael Parker Banton
BRAZIL Tenth, eleventh, twelfth and thirteenth periodic reports (CERD/C/263/Add.10)	Mr. Régis de Gouttes
BURKINA FASO Review based on previous reports and on review undertaken in 1992 (CERD/C/105/Add.5 and A/47/18, paras. 284-288)	Mr. Hamzat Ahmadu
CAPE VERDE Review based on previous report and on review undertaken in 1992 (CERD/C/86/Add.4 and A/47/18, paras. 228-234)	Mr. Hamzat Ahmadu
COLOMBIA Sixth and seventh periodic reports (CERD/C/257/Add.1)	Mr. Ion Diaconu
CÔTE D'IVOIRE Review based on previous reports and on review undertaken in 1991 (CERD/C/64/Add.2 and A/46/18, paras. 306-318)	Mr. Luis Valencia Rodriguez
DENMARK Tenth, eleventh and twelfth periodic reports (CERD/C/280/Add.1)	Mr. Michael P. Banton

Reports considered by the Committee	Country rapporteur
FIJI	Mr. Eduardo Ferrero Costa
Review based on previous reports and on review undertaken in 1991 (CERD/C/89/Add.3 and A/46/18, paras. 339-343)	
FINLAND	Mr. Mario Jorge Yutzis
Eleventh and twelfth periodic reports (CERD/C/240/Add.2)	
GAMBIA	Mr. Hamzat Ahmadu
Review based on previous reports and on review undertaken in 1991 (CERD/C/63/Add.3 and A/46/18, paras. 302-305)	
GUINEA	Mr. Mario Jorge Yutzis
Review based on previous reports and on review undertaken in 1991 (CERD/C/15/Add.1 and A/46/18, paras. 287-290)	
HUNGARY	Mr. Yuri Rechetov
Eleventh, twelfth and thirteenth periodic reports (CERD/C/263/Add.6)	
INDIA	Mr. Yuri Rechetov
Tenth, eleventh, twelfth and thirteenth periodic reports (CERD/C/299/Add.3)	
LAO PEOPLE'S DEMOCRATIC REPUBLIC	Mr. Régis de Gouttes
Review based on previous reports and on review undertaken in 1992 (CERD/C/105/Add.4 and A/47/18, paras. 254-260)	
LESOTHO	Mr. Hamzat Ahmadu
Review based on previous reports and on review undertaken in 1992 (CERD/C/90/Add.2 and A/47/18, paras. 235-239)	
MADAGASCAR	Mr. Régis de Gouttes
Review based on the ninth periodic report (CERD/C/149/Add.19)	
MALTA	Mr. Luis Valencia Rodriguez
Tenth, eleventh and twelfth periodic reports (CERD/C/262/Add.4)	

Reports considered by the Committee	Country rapporteur
MAURITIUS Eighth, ninth, tenth, eleventh and twelfth periodic reports (CERD/C/280/Add.2)	Mr. Ivan Garvalov
NAMIBIA Fourth, fifth, sixth and seventh periodic reports (CERD/C/275/Add.1)	Mr. Andrew R. Chigovera
PEOPLE'S REPUBLIC OF CHINA Fifth, sixth and seventh periodic reports (CERD/C/275/Add.2)	Mr. Rûdiger Wolfrum
REPUBLIC OF KOREA Eighth periodic report (CERD/C/258/Add.2)	Mr. Ion Diaconu
RUSSIAN FEDERATION Twelfth and thirteenth periodic reports (CERD/C/263/Add.9)	Mr. Rûdiger Wolfrum
SAINT VINCENT AND THE GRENADINES Review based on the initial report and on its review undertaken in 1992 (CERD/C/85/Add.1 and A/47/18, paras. 244-245)	Mr. Michael Parker Banton
SOLOMON ISLANDS Review based on the initial report and on its review undertaken in 1992 (CERD/C/101/Add.1 and A/47/18, paras. 246-253)	Mr. Carlos Lechuga Hevia
SOMALIA Review based on previous reports and on review undertaken in 1995 (CERD/C/88/Add.6 and A/50/18, paras. 593-596)	Mr. Ivan Garvalov
SPAIN Thirteenth periodic report (CERD/C/263/Add.5)	Mr. Eduardo Ferrero Costa
TOGO Review based on the initial report and on its review in 1991 (CERD/C/75/Add.12 and A/46/18, paras. 328-332)	Mr. Hamzat Ahmadu

Reports considered by the Committee	Country rapporteur
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND Thirteenth periodic report (CERD/C/263/Add.7 and CERD/C/263/Add.7, Part II)	Mr. Theodoor van Boven
VENEZUELA Tenth, eleventh, twelfth and thirteenth periodic reports (CERD/C/263/Add.8/Rev.1)	Mr. Luis Valencia Rodriguez
ZAIRE Third, fourth, fifth, sixth, seventh, eighth and ninth periodic reports (CERD/C/237/Add.2) and tenth periodic report (CERD/C/273/Add.1)	Mr. Theodoor van Boven
ZIMBABWE Initial report (CERD/C/217/Add.1)	Mr. Luis Valencia Rodriguez

ANNEX VIII

General Recommendations adopted by the Committee

A. General Recommendation XX (48), adopted at the 1147th meeting, on 8 March 1996

1. Article 5 of the Convention contains the obligation of States Parties to guarantee the enjoyment of civil, political, economic, social and cultural rights and freedoms without racial discrimination. Note should be taken that the rights and freedoms mentioned in article 5 do not constitute an exhaustive list. At the head of these rights and freedoms are those deriving from the Charter of the United Nations and the Universal Declaration of Human Rights, as recalled in the preamble to the Convention. Most of these rights have been elaborated in the International Covenants on Human Rights. All States Parties are therefore obliged to acknowledge and protect the enjoyment of human rights, but the manner in which these obligations are translated into the legal orders of States Parties may differ. Article 5 of the Convention, apart from requiring a guarantee that the exercise of human rights shall be free from racial discrimination, does not of itself create civil, political, economic, social or cultural rights, but assumes the existence and recognition of these rights. The Convention obliges States to prohibit and eliminate racial discrimination in the enjoyment of such human rights.

2. Whenever a State imposes a restriction upon one of the rights listed in article 5 of the Convention which applies ostensibly to all within its jurisdiction, it must ensure that neither in purpose nor effect is the restriction incompatible with article 1 of the Convention as an integral part of international human rights standards. To ascertain whether this is the case, the Committee is obliged to inquire further to make sure that any such restriction does not entail racial discrimination.

3. Many of the rights and freedoms mentioned in article 5, such as the right to equal treatment before tribunals, are to be enjoyed by all persons living in a given State; others such as the right to participate in elections, to vote and to stand for election are the rights of citizens.

4. The States Parties are recommended to report about the non-discriminatory implementation of each of the rights and freedoms referred to in article 5 of the Convention one by one.

5. The rights and freedoms referred to in article 5 of the Convention and any similar rights shall be protected by a State Party. Such protection may be achieved in different ways, be it by the use of public institutions or through the activities of private institutions. In any case, it is the obligation of the State Party concerned to ensure the effective implementation of the Convention and to report thereon under article 9 of the Convention. To the extent that private institutions influence the exercise of rights or the availability of opportunities, the State Party must ensure that the result has neither the purpose nor the effect of creating or perpetuating racial discrimination.

B. General Recommendation XXI (48), adopted at the 1147th meeting, on 8 March 1996

6. The Committee notes that ethnic or religious groups or minorities frequently refer to the right to self-determination as a basis for an alleged right to secession. In this connection the Committee wishes to express the following views.

7. The right to self-determination of peoples is a fundamental principle of international law. It is enshrined in article 1 of the Charter of the United Nations, in article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, as well as in other international human rights instruments. The International Covenant on Civil and Political Rights provides for the rights of peoples to self-determination besides the right of ethnic, religious or linguistic minorities to enjoy their own culture, to profess and practise their own religion or to use their own language.

8. The Committee emphasizes that in accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, approved by the United Nations General Assembly in its resolution 2625 (XXV) of 24 October 1970, it is the duty of States to promote the right to self-determination of peoples. But the implementation of the principle of self-determination requires every State to promote, through joint and separate action, universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations. In this context the Committee draws the attention of Governments to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in its resolution 47/135 of 18 December 1992.

9. In respect of the self-determination of peoples two aspects have to be distinguished. The right to self-determination of peoples has an internal aspect, that is to say, the rights of all peoples to pursue freely their economic, social and cultural development without outside interference. In that respect there exists a link with the right of every citizen to take part in the conduct of public affairs at any level, as referred to in article 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination. In consequence, Governments are to represent the whole population without distinction as to race, colour, descent or national or ethnic origin. The external aspect of self-determination implies that all peoples have the right to determine freely their political status and their place in the international community based upon the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination and exploitation.

10. In order to respect fully the rights of all peoples within a State, Governments are again called upon to adhere to and implement fully the international human rights instruments and in particular the International Convention on the Elimination of All Forms of Racial Discrimination. Concern for the protection of individual rights without discrimination on racial, ethnic, tribal, religious or other grounds must guide the policies of Governments. In accordance with article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international documents, Governments should be sensitive towards the rights of persons belonging to ethnic groups, particularly their right to lead lives of

dignity, to preserve their culture, to share equitably in the fruits of national growth and to play their part in the Government of the country of which they are citizens. Also, Governments should consider, within their respective constitutional frameworks, vesting persons belonging to ethnic or linguistic groups comprised of their citizens, where appropriate, with the right to engage in activities which are particularly relevant to the preservation of the identity of such persons or groups.

11. The Committee emphasizes that, in accordance with the Declaration on Friendly Relations, none of the Committee's actions shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and possessing a Government representing the whole people belonging to the territory, without distinction as to race, creed or colour. In the view of the Committee, international law has not recognized a general right of peoples unilaterally to declare secession from a State. In this respect, the Committee follows the views expressed in An Agenda for Peace (paras. 17 and following), namely, that a fragmentation of States may be detrimental to the protection of human rights, as well as to the preservation of peace and security. This does not, however, exclude the possibility of arrangements reached by free agreements of all parties concerned.

C. General Recommendation XXII (49), adopted at the 1175th meeting, on 16 August 1996

The Committee on the Elimination of Racial Discrimination,

Conscious of the fact that foreign military, non-military and/or ethnic conflicts have resulted in massive flows of refugees and the displacement of persons on the basis of ethnic criteria in many parts of the world,

Considering that the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Racial Discrimination proclaim that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, descent or national or ethnic origin,

Recalling the 1951 Convention and the 1967 Protocol relating to the status of refugees as the main source of the international system for the protection of refugees in general,

1. Draws the attention of States Parties to article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination as well as Committee's General Recommendation XX (48) on article 5, and reiterates that the Convention obliges States Parties to prohibit and eliminate racial discrimination in the enjoyment of civil, political, economic, social and cultural rights and freedoms,

2. Emphasizes in this respect that:

   a. all such refugees and displaced persons have the right freely to return to their homes of origin under conditions of safety.

b. States parties are obliged to ensure that the return of such refugees and displaced persons is voluntary and to observe the principle of non-refoulement and non-expulsion of refugees.

c. all such refugees and displaced persons have, after their return to their homes of origin, the right to have restored to them property of which they were deprived in the course of the conflict and to be compensated appropriately for any such property that cannot be restored to them. Any commitments or statements relating to such property made under duress are null and void.

d. all such refugees and displaced persons have, after their return to their homes of origin, the right to participate fully and equally in public affairs at all levels and to have equal access to public services and to receive rehabilitation assistance.

ANNEX IX

Preliminary comments of the Government of India on the concluding observations adopted by the Committee on the Elimination of Racial Discrimination* on the tenth to fourteenth periodic reports of India presented during the forty-ninth session of the Committee

1. The Government of India appreciates the recognition by the Committee in section C of the efforts made by it to implement in full the Convention.

2. There is however a clarification which needs to be noted. The Terrorist and Disruptive Activities (Prevention) Act (TADA) referred to in paragraph 12 of the observations applied to all parts of the country and not just to the north-eastern states or the state of Jammu and Kashmir. Following an open and nationwide debate, TADA was allowed to lapse.

3. The Committee has identified in section D its principal subjects of concern. Given below are some comments which may assist the Committee in a fuller appreciation of the concerns raised:

(a) With reference to paragraph 14, the Government of India would like to reiterate that the concept of "race" in India as recognized under the Constitution is distinct from "caste". Communities which fall under the definition of scheduled Castes and scheduled Tribes do not come under the purview of Article I of the Convention, nor is "race" an element in the determination of Scheduled Castes and Scheduled Tribes under the Indian Constitution. Nevertheless, the Government of India remains willing to provide information to the Committee on its efforts to eradicate discrimination against Scheduled Castes and Scheduled Tribes or any other matter Committee Members may request;

(b) The observations in paragraph 15 have not been fully comprehended. Like the rest of the country, the Indian state of Jammu and Kashmir is multi-ethnic and multi-religious. Its population comprises Muslims (Sunnis, Shias, Gujjars and Bakarwals), Hindus, Buddhists and Sikhs. No segment of the population of India including Jammu and Kashmir has been subject to any form of discrimination whatsoever on account of their national or ethnic origin or in ways contrary to the basic provisions of the Convention;

(c) The setting up of the National Human Rights Commission (NHRC) of India as an independent and statutory body is a step towards the strengthening of the efforts of India's civil society for the promotion and protection of human rights. The activities of the NHRC have been internationally acclaimed, as recognized by the Committee itself in paragraph 7 of its observations;

(d) In view of the interest of the Committee (para. 17) in information on the role and functions of the National Commission on Scheduled Castes and Scheduled Tribes and the National Commission on Minorities, information will be made available in the next Report together with any other information the Committee may require. These specific statutory bodies referred to, however, are not concerned with issues related to "race";

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* CERD/C/304/Add.13. See also paras. 339-373 of the present report.

(e) With reference to paragraph 18, the Government reiterates its willingness to provide any information the Committee may wish to have. As the Committee itself has noted in paragraph 8 of its comments, the plurality of newspapers and mass media and their awareness of human rights problems play an important role in the implementation of the Convention;

(f) With regard to paragraph 19 of the observations, it is stated that the report of India contained concrete information on the legal provisions in force prohibiting the incitement of racial discrimination and hatred on the part of any individual or organization. Any such act would be an infringement of the law and liable for action in Indian courts. Any further specific information required will be provided;

(g) With regard to paragraph 21, the National Security Act and the Public Safety Act have been enacted to deal with the challenge posed by the phenomenon of terrorism. These Acts will continue to be utilized by the Government to combat terrorism and to protect all Indian citizens from this menace;

(h) Regarding the observations in paragraph 22, all Indian citizens above the age of 18 have access to full and equal enjoyment of political rights. Free and fair parliamentary elections conducted by an independent Election Commission have been held in Jammu and Kashmir in May 1996 and elections to the State Assembly are to be held in September 1996;

(i) Regarding paragraph 23, it has been the consistent policy of the Government of India to remove all forms of exploitation of or discrimination against its citizens, in particular of those elements which are disadvantaged because of social or economic backwardness. These efforts will continue and constitute an important element in the Common Minimum Programme of the Government. India's efforts in this regard have been recognized by the Committee itself in paragraph 5 of its observations. No specific cases of such discrimination as referred to in paragraph 23 have been brought to the attention of the Government by the Committee;

(j) The Committee's observation in paragraph 24 is not immediately clear. If the reference is to representation in political life, this does not depend on the size of communities but on that of the electorate. If the reference is to employment in government services, a policy of affirmative action is being followed under the Constitution and the law in respect of Scheduled Castes and Scheduled Tribes and other economically or socially backward segments of the population.

4. The Government has noted the suggestions and recommendations of the Committee. The suggestions contained in paragraphs 27 and 31 are already being implemented and the Government assures the Committee that it will continue to do so.